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Advancement of women: implementation of the outcome of the Fourth World Conference on Women and of the twenty-third special session of the General Assembly

Measures taken and progress achieved in follow-up to the implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly

Report of the Secretary-General

Summary

The present report, submitted pursuant to General Assembly resolution 67/148, provides a review of the follow-up to and implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly. In particular, the report focuses on the extent to which gender perspectives are reflected in selected intergovernmental processes of the United Nations. The report concludes with recommendations for further measures to enhance the implementation of gender equality mandates.

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I. Introduction

1. While the responsibility for the full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly rests primarily with Governments, the realization of gender equality and women's empowerment is a collective endeavour to which stakeholders at all levels should contribute. Normative frameworks elaborated at the international level have a key role to play in guiding changes at the regional and national levels. As the body of global norms and policy guidelines evolves, it is critical that intergovernmental bodies integrate gender perspectives in their work.

2. This has been reiterated by the General Assembly in its annual resolution on follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, the most recent of which was 67/148, whereby the Assembly reiterated its call upon the bodies of the United Nations system to increase efforts to fully mainstream a gender perspective into all issues under their consideration and within their mandates.

3. The present report, prepared pursuant to General Assembly resolution 67/148 and Economic and Social Council resolution 2006/9, focuses on the extent to which selected intergovernmental processes of the United Nations integrate gender perspectives.[1] It provides a quantitative and qualitative assessment of progress achieved and remaining gaps through an analysis of reports of the Secretary-General to and of resolutions of the General Assembly, the Economic and Social Council and the functional commissions of the Council. The report could serve as a monitoring tool for the Assembly, allowing it to exercise its oversight role with regard to the implementation of resolution 67/148.

II. Integration of a gender perspective in selected intergovernmental bodies

4. The methodology and findings of a content analysis of the reports of the Secretary-General to and the resolutions of the sixty-seventh session of the General Assembly and the 2012 sessions of the Economic and Social Council and its functional commissions are presented below.

A. Methodology

5. The documents reviewed were examined for evidence of the incorporation of a gender perspective, as determined by the presence of the following words: gender, sex, woman, man, girl, boy, female, male, sexual, reproductive and maternal (including their plural forms). Documents with at least one occurrence of a keyword

[1] The present report complements the annual report of the Secretary-General to the Economic and Social Council on mainstreaming a gender perspective into all policies and programmes in the United Nations system (see E/2013/71) and his annual reports to the Commission on the Status of Women on actions of Member States for gender mainstreaming at the national level, with a particular focus on the Commission's priority theme (see E/CN.6/2013/3 and E/CN.6/2013/4, both of which reflected good practices by Member States).

were considered to have included a gender perspective. False positive results, for instance "man-made disaster" or "sexual exploitation" with no mention of the sex of the victims/survivors or of the perpetrators, were discounted.

6. While the list of words selected excludes others that could arguably reflect a gender perspective, the selected words are those most often found in reports and resolutions that address gender equality issues. However, the assessment of the inclusion of a gender perspective went beyond the mere mention of these keywords. Documents that passed this first filter were analysed in more depth to assess the extent to which a gender perspective had indeed been reflected.

7. Resolutions and reports of the Secretary-General available in the Official Document System of the United Nations as at 15 June 2013 were examined. Although documents considered under an agenda item or sub-item that focused specifically on gender equality issues may be automatically assumed to reflect a gender perspective, they were included in the analysis because they provided a measure of the degree to which attention was paid to gender equality issues in the work of intergovernmental bodies. Where documents were submitted to more than one intergovernmental body, each occurrence was counted, since consideration by each body was considered to be an additional opportunity for mainstreaming gender equality issues into the intergovernmental process.

B. Quantitative findings

8. There were multiple opportunities for the incorporation of gender perspectives into the work of intergovernmental bodies. In total, 272 reports of the Secretary-General were considered and 324 resolutions were adopted by the intergovernmental bodies under review. The General Assembly alone considered 214 reports of the Secretary-General and adopted 257 resolutions at its sixty-seventh session.[2] The Economic and Social Council at its substantive and resumed substantive sessions in 2012 reviewed 17 reports of the Secretary-General and adopted 37 resolutions. The functional commissions — excluding the Commission on the Status of Women, which focuses exclusively on gender equality issues — considered 41 reports of the Secretary-General and adopted 30 resolutions at their sessions in 2012.

9. A number of these resolutions have an exclusive focus on gender equality issues. Consideration by the General Assembly of agenda items or sub-items dedicated to gender equality and the empowerment of women led to the adoption of six resolutions during the sixty-seventh session. These included resolutions on women, disarmament, non-proliferation and arms control (67/48), the intensification of efforts to eliminate all forms of violence against women (67/144), trafficking in women and girls (67/145), intensifying global efforts for the elimination of female genital mutilations (67/146), supporting efforts to end obstetric fistula (67/147) and the annual resolution calling for the present report (67/148).

10. The Economic and Social Council adopted annual resolutions on mainstreaming a gender perspective into all policies and programmes in the United Nations system (2012/24) and on the situation of and assistance to Palestinian women (2012/25). The Commission on Narcotic Drugs, a functional commission of

[2] Based on documents available in the Official Document System of the United Nations as at 15 June 2013.

the Council, adopted a resolution on promoting strategies and measures addressing specific needs of women in the context of comprehensive and integrated drug demand reduction programmes and strategies (55/5).

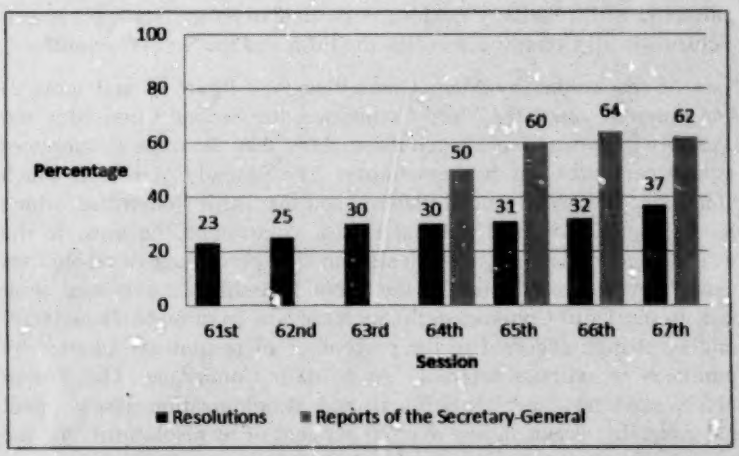
11. While it is crucial that intergovernmental bodies address gender equality issues through dedicated resolutions, it is equally important that they mainstream a gender perspective into resolutions dealing with other questions and thus integrate gender equality considerations as a cross-cutting issue in all areas under discussion. The findings of the present report reveal an upward trend in the reflection of a gender perspective in the resolutions of the General Assembly, the Economic and Social Council and the functional commissions of the Council.

1. General Assembly

Reports of the Secretary-General

12. Reports of the Secretary-General often form the basis for discussions that lead to the adoption of resolutions in intergovernmental bodies. Of the reports of the Secretary-General submitted to the General Assembly at its sixty-seventh session, 62 per cent included a gender perspective (see figure I and table 1). This represents a slight decrease, by two percentage points, from the sixty-sixth session. However, the high percentage of reports with a gender perspective indicates that gender equality issues are seen as relevant across a range of substantive areas.

Figure I
Trends in the share of General Assembly documents that include a gender perspective



13. Across the Main Committees of the General Assembly, the picture was uneven. While there was a noticeable increase in the percentage of reports to the Fourth and First Committees of the General Assembly that included a gender perspective (an increase of 10 and 9 percentage points respectively), there was a decrease of 7 percentage points in such reports to the Fifth Committee. Given the high number of reports of the Secretary-General that were considered by the Fifth Committee, it is likely that this decrease played a major role in the slight decline observed in the share of reports with a gender perspective submitted to the Assembly as a whole.

Table 1
Number and percentage of reports of the Secretary-General submitted to the General Assembly that include a gender perspective

Body to which report is allocated	*Total reports*	*Number including a gender perspective*	*Percentage including a gender perspective*
Plenary	37	30	81
First Committee	27	13	48
Second Committee	28	18	64
Third Committee	43	37	86
Fourth Committee	20	11	55
Fifth Committee	68	30	44
Sixth Committee	14	9	64
Total	**214**	**132**	**62**

Note: Of the 214 reports of the Secretary-General submitted to the General Assembly, some were considered under more than one agenda item and some agenda items were allocated to more than one Committee. The breakdown by Committee thus adds up to more than the total number of reports submitted to the Assembly.

Resolutions

14. Only 37 per cent of the resolutions adopted by the General Assembly integrated a gender perspective. Nevertheless, this shows progress from a plateau of around 31 per cent over the previous four sessions of the Assembly (see figure I).[3] This increase, although still relatively modest, is particularly significant because it reflects improvements in all Committees except the Fifth and the Sixth Committees.

15. An analysis of resolutions by Main Committee (see figure II and table 2) shows that, as in previous years, the Third Committee, the Second Committee and the General Assembly in plenary were much more likely than the other Committees to integrate a gender perspective in their resolutions. The Second Committee, which is responsible for economic and financial matters, and the Third Committee, which focuses on social, humanitarian and cultural issues, contributed the most to the change that was observed in the sixty-seventh session. The percentage of resolutions including a gender perspective adopted by the Second Committee increased from 33 to 50 per cent; in the Third Committee, the increase was from 64 to 71 per cent. Little corresponding change occurred in the percentage of resolutions adopted by the other Committees or without reference to a Main Committee. The Fourth Committee, which examines special political and decolonization issues, paid attention to gender equality issues in just over 20 per cent of its resolutions, and the First Committee (disarmament and international security), the Fifth Committee (administrative and budgetary matters) and Sixth Committee (legal questions) did so in less than 10 per cent of their resolutions.

[3] These earlier findings are based on the analysis carried out for previous reports of the Secretary-General (A/62/178, A/63/217, A/64/218, A/65/204, A/66/211 and A/67/185). It must be noted that the results of the analysis carried out up to the sixty-third session of the General Assembly are not fully comparable, as the content analysis relied on a smaller list of words (gender, sex, woman, girl, female and sexual).

Figure II
Trends in the share of resolutions of the General Assembly that include a gender perspective, by Main Committee

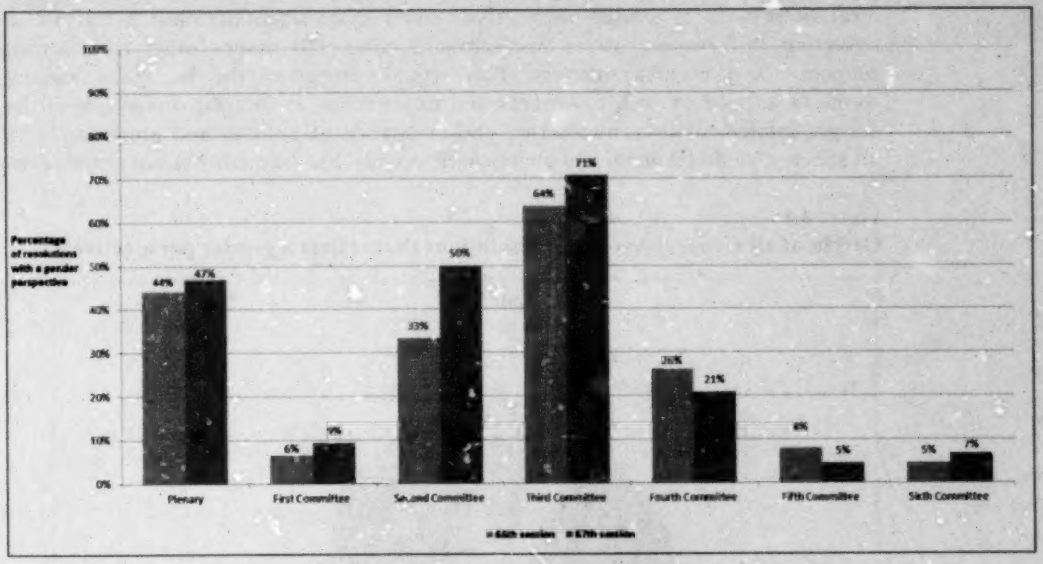


Table 2
Number and percentage of General Assembly resolutions that include a gender perspective

Originating body	*Total resolutions*	*Number including a gender perspective*	*Percentage including a gender perspective*
Plenary	49	23	47
First Committee	53	5	9
Second Committee	36	18	50
Third Committee	58	41	71
Fourth Committee	24	5	21
Fifth Committee	22	1	5
Sixth Committee	15	1	7
Total	**257**	**94**	**37**

16. An alternative perspective is to examine the contribution made by the Main Committees and the General Assembly in plenary to the pool of Assembly resolutions with a gender perspective (see figure III and table 3). Although it was responsible for only 23 per cent of all resolutions adopted by the Assembly, the Third Committee accounted for 44 per cent of all Assembly resolutions that included a gender perspective. The plenary accounted for 24 per cent and the Second Committee for 19 per cent. The First Committee, which accounted for 21 per cent of all Assembly resolutions, contributed only 5 per cent of the resolutions with a gender perspective. The Fifth and Sixth Committees each

accounted for only 1 per cent of such resolutions while contributing 9 and 6 per cent, respectively, of all Assembly resolutions.

17. In order to significantly increase the proportion of General Assembly resolutions with a gender perspective, much more attention must be given to reflecting this perspective in resolutions dealing with issues other than social, economic and political matters. This would strengthen the basis for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all spheres, so that women and men benefit equally and inequality is not perpetuated.

Figure III
Origin of all General Assembly resolutions that reflect a gender perspective

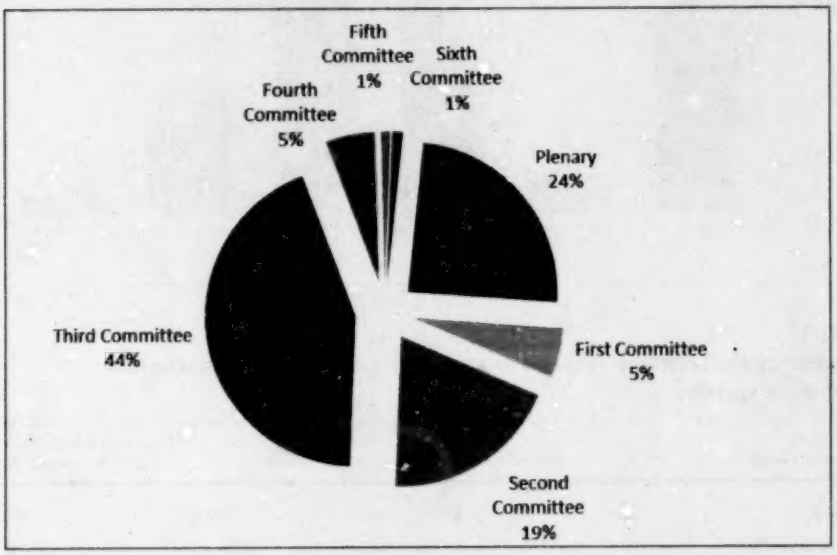


Table 3
Origin of all General Assembly resolutions and of all General Assembly resolutions that include a gender perspective

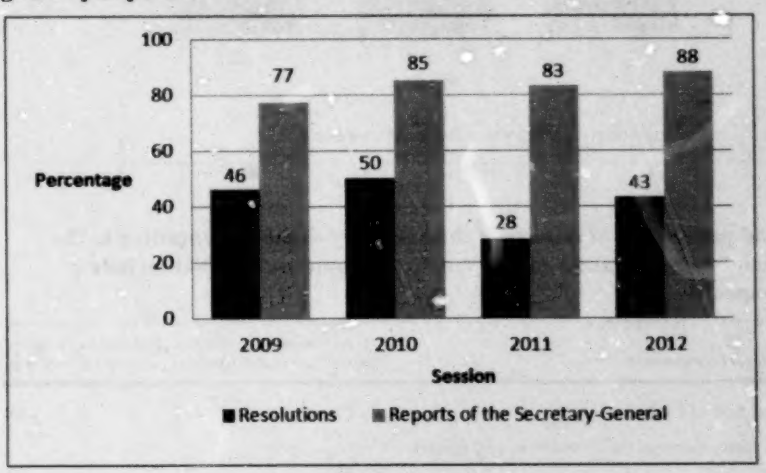
Originating body	*Percentage of all General Assembly resolutions*	*Percentage of all General Assembly resolutions with a gender perspective*
Plenary	19	24
First Committee	21	5
Second Committee	14	19
Third Committee	23	44
Fourth Committee	9	5
Fifth Committee	9	1
Sixth Committee	6	1

2. Economic and Social Council and its functional commissions

Reports of the Secretary-General

18. As for the General Assembly, the reports of the Secretary-General submitted to the Economic and Social Council in 2012 were more likely than resolutions were to include a gender perspective (see figure IV and table 4). Reflecting an increase of 5 percentage points compared to 2011, nearly 9 out of 10 reports of the Secretary-General submitted to the Council in 2012 included a gender perspective.

Figure IV
Trends in the share of Economic and Social Council documents that include a gender perspective



19. A sharp decrease was recorded, however, in the percentage of reports with a gender perspective submitted to the functional commissions (see figure V and table 4): while in 2011 74 per cent of reports reflected a gender perspective, in 2012 only 41 per cent of reports did so. Various factors may account for this drop. One is the absence of reports submitted to the Commission on Sustainable Development, which did not meet in 2012 because of the holding of the United Nations Conference in Sustainable Development in June of that year. In 2011, five of the six reports submitted to the Commission had integrated a gender perspective. In addition, there was a decrease in the share of reports submitted to the Statistical Commission that included a gender perspective (from 50 per cent in 2011 to 23 per cent in 2012) and the Commission on Science and Technology for Development (from 100 per cent in 2011 to 33 per cent in 2012). It must be noted, though, that the number of reports considered was small (see table 4).

Figure V
Trends in the share of functional commission documents that include a gender perspective

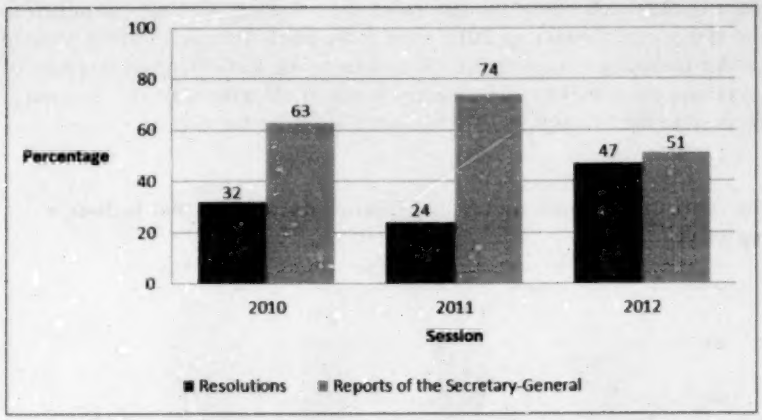


Table 4
Number and percentage of reports of the Secretary-General submitted to the Economic and Social Council and its functional commissions that include a gender perspective

Body to which report is submitted	*Total reports*	*Number including a gender perspective*	*Percentage including a gender perspective*
Economic and Social Council	17	15	88
Functional commissions of the Economic and Social Council[a]	41	21	51
Commission on Crime Prevention and Criminal Justice[b]	11	7	64
Commission on Narcotic Drugs[b]	5	1	20
Commission on Population and Development	4	4	100
Commission on Science and Technology for Development	3	1	33
Commission for Social Development	5	5	100
Statistical Commission	13	3	23

[a] These results do not include the Commission on the Status of Women, owing to its exclusive focus on gender equality issues, or the Commission on Sustainable Development and the United Nations Forum on Forests, which did not hold a session in 2012.

[b] The Commission on Narcotic Drugs and the Commission on Crime Prevention and Criminal Justice also considered reports of the Secretariat, which were included in the analysis.

Resolutions

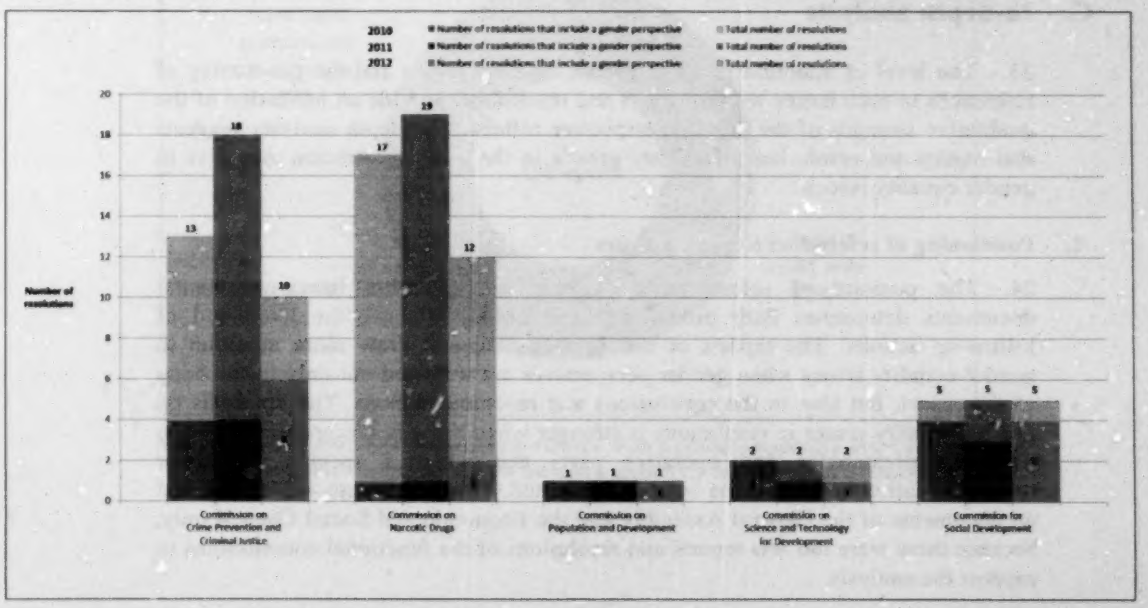
20. A gender perspective was reflected in 43 per cent of the resolutions adopted by the Economic and Social Council during its 2012 substantive sessions (see figure IV and table 5), reflecting a significant increase compared to 2011, when only 28 per cent of resolutions integrated a gender perspective. This brings the Council closer to the percentages recorded in 2009 (45 per cent) and 2010 (50 per cent).

21. On the whole, the functional commissions of the Economic and Social Council (excluding the Commission on the Status of Women) paid more attention to gender equality issues in 2012 than they had done in the previous year, with 47 per cent of their 2012 resolutions reflecting a gender perspective compared to 24 per cent in 2011 (see figure V). This positive development also contributed to the increase observed in the proportion of Council resolutions that included a gender perspective, as the work of the functional commissions is closely linked to that of the Council. In 2012, 38 per cent of the resolutions adopted by the Council at its substantive sessions had originally been drafted by the functional commissions.[4]

22. Figure VI and table 5 provide a breakdown of resolutions by functional commission. The increase in the proportion of resolutions with a gender perspective observed in 2012 for the functional commissions as a whole is mainly explained by the higher proportion of resolutions with a gender perspective adopted by the Commission on Crime Prevention and Criminal Justice and the Commission on Narcotic Drugs. In 2012, 6 of the 10 resolutions of the Commission on Crime Prevention and Criminal Justice and 2 of the 12 resolutions of the Commission on Narcotic Drugs integrated a gender perspective. The fact that these two commissions adopted fewer resolutions than they had in the previous year, however, contributed to an overall decline in the number of resolutions adopted by functional commissions, from 46 in 2011 to 30 in 2012.

Figure VI

Trends in the share of resolutions of the functional commissions that include a gender perspective



Note: This figure does not include the Commission on the Status of Women and the functional commissions that did not hold a session in 2012.

[4] This figure includes the Commission on the Status of Women.

Table 5
Number and percentage of resolutions of the Economic and Social Council and its functional commissions that include a gender perspective

Originating body	*Total resolutions*	*Number including a gender perspective*	*Percentage including a gender perspective*
Economic and Social Council	37	16	43
Functional commissions of the Economic and Social Council[a]	30	14	47
Commission on Crime Prevention and Criminal Justice	10	6	60
Commission on Narcotic Drugs	12	2	17
Commission on Population and Development	1	1	100
Commission on Science and Technology for Development	2	1	50
Commission for Social Development	5	4	80
Statistical Commission[b]	0	–	–

[a] These results do not include the Commission on the Status of Women, owing to its exclusive focus on gender equality issues, or the Commission on Sustainable Development and the United Nations Forum on Forests, which did not hold a session in 2012.
[b] The Statistical Commission traditionally adopts decisions.

C. In-depth analysis

23. The level of attention given to gender equality issues and the positioning of references to such issues within reports and resolutions provide an indication of the qualitative strength of the gender perspective reflected. In-depth analysis suggests that reports and resolutions often vary greatly in the level of attention they give to gender equality issues.

1. Positioning of references to gender issues

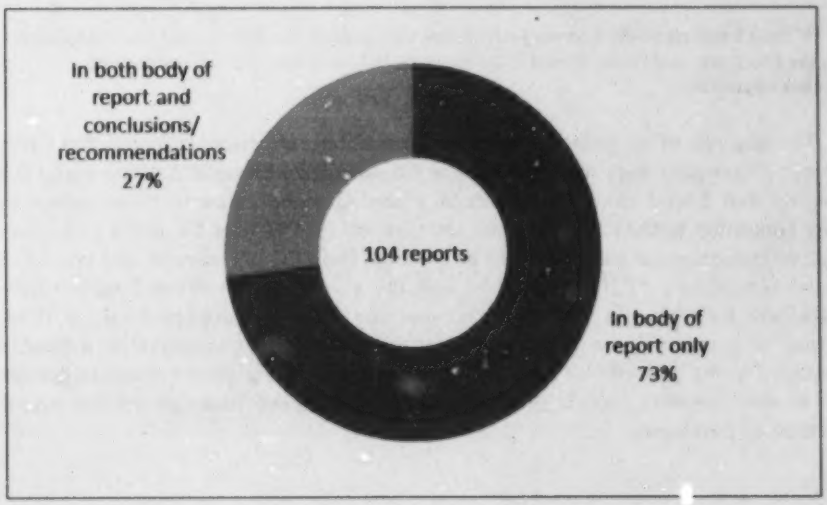
24. The position of references to gender issues within intergovernmental documents determines their prominence and could influence the likelihood of follow-up actions. The reports of the Secretary-General draw more attention to gender equality issues when gender perspectives are reflected not only in the body of the report, but also in the conclusions and recommendations. The emphasis on gender equality issues in resolutions is stronger when these issues are referred to in both the preambular and operative parts and when a specific action or recommendation to address the issues is indicated. This assessment was carried out on documents of the General Assembly and the Economic and Social Council only, because there were too few reports and resolutions of the functional commissions to support the analysis.

25. An analysis of the positioning of references to gender in reports of the Secretary-General demonstrates that gender equality issues are not yet prioritized systematically (see figures VII and VIII). In most reports that included a gender perspective, references to gender appeared exclusively in the body of the reports, not in the conclusions and/or recommendations. Of the reports with a gender perspective, only 27 per cent of those submitted to the General Assembly and 38 per

cent of those submitted to the Economic and Social Council included references to gender in both the body and in the conclusions and/or recommendations. This means that opportunities are not systematically seized to recommend actions in response to gender equality-related issues.

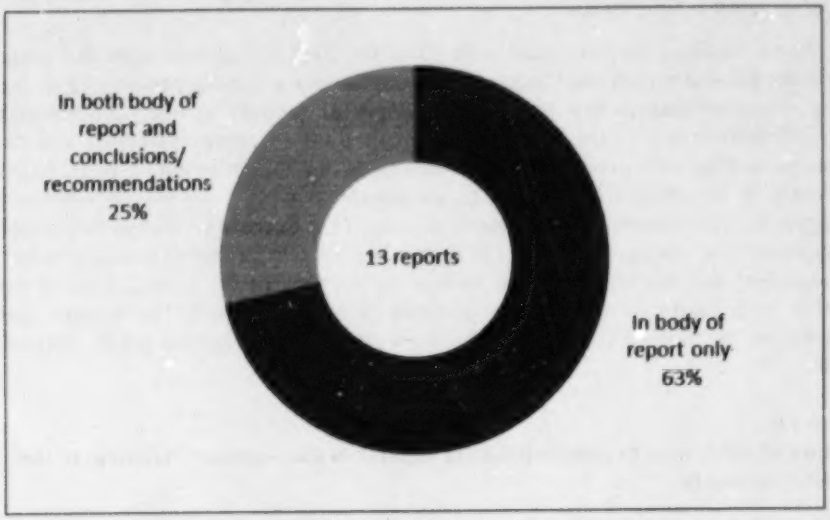
26. These findings are consistent with those for 2011 and demonstrate that more efforts are needed within the United Nations to include a gender perspective in the policy recommendations that the Secretary-General submits to intergovernmental bodies. Improvements in this sense can be made by the General Assembly and the Economic and Social Council explicitly requesting that this information be included in reports to be submitted to them. In its resolution 67/255 on human resources management, for instance, the Assembly requested the Secretary-General to provide a comprehensive report with the aim of further refining the proposed mobility policy and specified that the report should include an analysis of the implications of the mobility and career development framework for gender parity, particularly for women from developing countries, including a plan on achieving the gender balance target.

Figure VII
Position of references to gender issues in reports of the Secretary-General to the General Assembly



Note: Of the 132 reports of the Secretary-General with a gender perspective that were submitted to the General Assembly, 28 did not include a section on conclusions and recommendations.

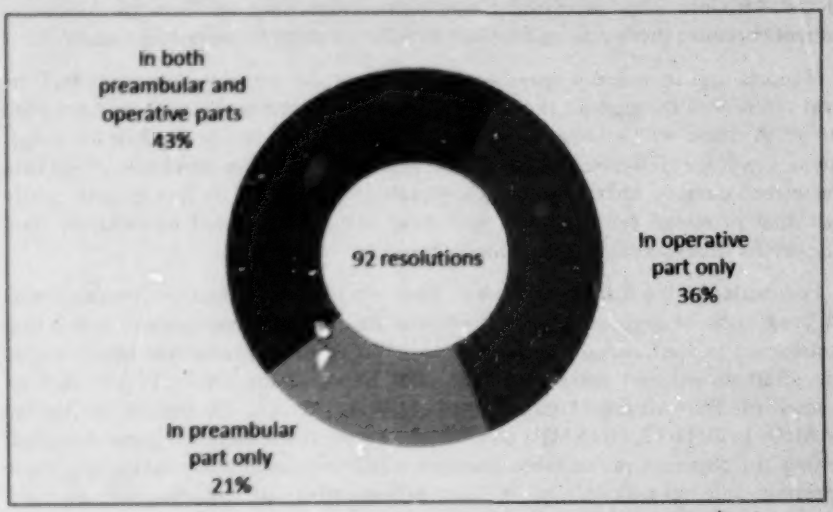
Figure VIII
Position of references to gender issues in reports of the Secretary-General to the Economic and Social Council



Note: Of the 15 reports of the Secretary-General with a gender perspective that were submitted to the Economic and Social Council, 2 did not include a section on conclusions and recommendations.

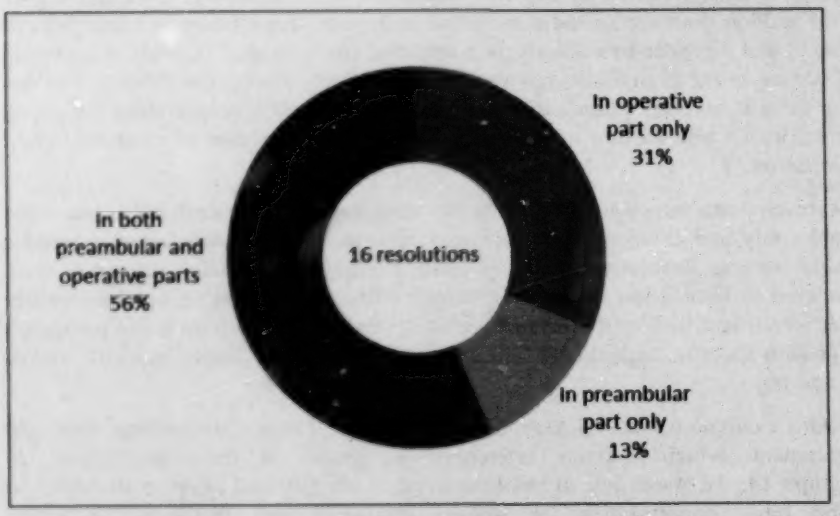
27. The analysis of the positioning of gender-related references revealed that when reference to gender issues was made in resolutions of the General Assembly and the Economic and Social Council, prominence tended to be given to those issues in reports submitted to the Assembly and the Council (see figures IX and X). Gender-related references were most likely to be found in both the preambular and operative parts of resolutions of the Assembly and the Council. The second most likely scenario was the inclusion of a gender perspective in the operative part only, with no reference to gender in the preambular part. Few resolutions integrated a gender perspective in the preambular part only, with no recommendation related to gender made in the operative, action-oriented paragraphs. These findings are consistent with those of past years.

Figure IX
Position of references to gender issues in resolutions of the General Assembly



Note: Of the 94 resolutions of the General Assembly that integrated a gender perspective, 2 were declarations and thus did not have preambular and operative paragraphs.

Figure X
Position of references to gender issues in resolutions of the Economic and Social Council



2. Qualitative assessment

Methodology

28. Although gender perspectives may be reflected in key sections of a report or resolution, their impact depends on the strength of the language used in the reference. To assess this, reports of the Secretary-General and resolutions were

reviewed against qualitative variables. Reports were assessed qualitatively against two variables: the "coverage" of gender equality issues and the "quality" of the gender discussion. This assessment was carried out only on General Assembly documents because there was an adequate number of them to support the analysis.

29. Reports that included a specific section on gender equality issues, as well as several references throughout the rest of the report, were considered to have high coverage. A single reference or a few short references were defined as low coverage. Medium coverage fell somewhere in between. The quality analysis of reports characterized cursory references such as "including women" as low quality, while reports that provided precise facts, including sex-disaggregated quantitative data and/or gender analysis ranged from medium to high quality.

30. For example, the following excerpt from a report on budget performance was considered to be of high quality, as it showed that a gender perspective was being mainstreamed in staff support activities: To improve the reproductive health status of the international and national female staff, representing about 17 per cent of personnel of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) in 2011/12, UNAMID conducted awareness training and gynaecological screening for common preventable diseases while conscientiously taking a gender perspective into consideration in the procurement of pharmaceuticals and consumables (A/67/601, para. 69).

31. Another example of a document considered to be of high quality is the report of the Secretary-General on follow-up to the special session of the General Assembly on children (A/67/229). Unlike in many reports where the language remains gender-neutral when discussing children or youth, in this report the data provided is disaggregated by sex (for example: "Approximately 150 million girls and 73 million boys are sexually assaulted each year, many times en route to or at school.") and a gender-based analysis is included (for example: "Levels of access to HIV testing in the region also remain low, particularly among young men. For this group there is no entry point comparable to maternal health programmes for young women, which provide testing and services for the prevention of mother-to-child transmission.").

32. Resolutions, which tend to be shorter than reports, were analysed against one variable only and categorized as having a low, medium or high focus on gender equality issues. Resolutions that included a single, superficial reference were considered to have a low focus. Resolutions with a high focus on gender equality issues were identified by the occurrence of a keyword in more than one paragraph and/or with specific language on the situation and needs of women and girls and/or men and boys.

33. One example is General Assembly resolution 67/196 on international trade and development, which contains references to gender in three paragraphs. In paragraph 14, the Assembly stressed the need to identify and develop strategies to expand trade opportunities for women producers and facilitate the active participation of women in national, regional and global trade decision-making structures and processes, thereby ensuring that women- and men-owned businesses and farms have equal opportunities in markets. In paragraph 20, the Assembly invited the United Nations Conference on Trade and Development to continue to undertake policy analysis, including from a gender perspective. In paragraph 23, it requested the Secretary-General to submit a report on the implementation of the

resolution and developments in the multilateral trading system, including their impact on women and men.

34. While the approach adopted for the qualitative assessment undoubtedly has limitations, it is an important step towards differentiating perfunctory references to gender-related terminology from more attentive analysis of gender equality issues. The findings also constitute an important step in understanding progress in incorporating a gender perspective into the work of intergovernmental bodies and the United Nations as a whole.

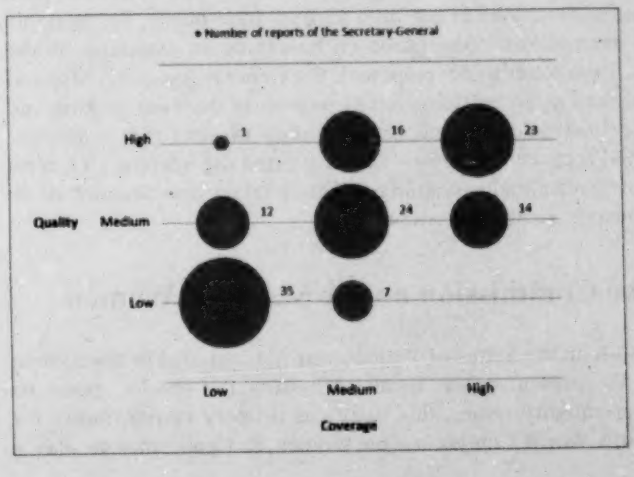
Reports of the Secretary-General

35. The distribution of the reports of the Secretary-General to the General Assembly across the two variables, coverage and quality, is illustrated in figure XI below. The distribution of reports across the two axes demonstrates that reports varied widely both in the coverage of gender equality issues and in the characteristics of these inclusions. There tended to be a general correlation between coverage and quality: reports that devote little space to gender equality issues were also likely to have only superficial references, while reports with extensive coverage tended to include more precise information and deeper analysis. Although there were more reports with low coverage and of low quality than reports with high coverage and of high quality, a significant number of reports were at a minimum of medium coverage and quality (77 out of 132 reports, or 58 per cent).

36. The percentage of reports rated as high/high, medium/high or high/medium dropped from 45 per cent during the sixty-sixth session to 40 per cent during the sixty-seventh session of the General Assembly, as more reports were rated as medium/medium. While this finding should be interpreted with caution, in particular since fewer reports of the Secretary-General were submitted during the sixty-seventh session than during the sixty-sixth session (214 and 249 respectively), it will be important to monitor the situation in the future to ascertain the consistency of this apparent downward turn.

Figure XI

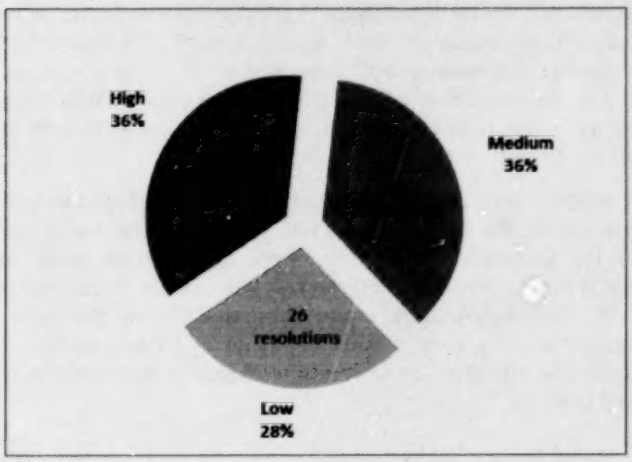
Coverage and quality of gender references in reports of the Secretary-General to the General Assembly, by frequency



Resolutions

37. While only 37 per cent of General Assembly resolutions included a gender perspective, the 94 resolutions that did include one tended to do so in a fairly clear manner. Over 70 per cent of those resolutions show a high or medium focus on gender equality issues (see figure XII). This means that the keywords indicating a gender perspective were found in more than one paragraph and/or that there was specific language on the situation and needs of women and girls and/or men and boys. This percentage is comparable to that found in resolutions adopted during the sixty-sixth session, and suggests that most resolutions of the Assembly that include references related to gender reflect genuine attention to the promotion of gender equality and the empowerment of women.

Figure XII
Extent of focus on gender equality issues in General Assembly resolutions that include a gender perspective



38. Many of the medium- and high-focus resolutions included paragraphs expressing recognition of the specific contribution and situation of women and girls and/or containing proposals for actions to take into account their needs. For example, in resolution 67/231 on international cooperation on humanitarian assistance in the field of natural disasters, from relief to development, the General Assembly stressed the importance of the full and equal participation of women in decision-making and of gender mainstreaming in developing and implementing disaster risk reduction, preparedness, response and recovery strategies, and requested the Secretary-General to continue ensuring that gender mainstreaming is better taken into account in all aspects of humanitarian responses and activities.

III. Contribution of the Commission on the Status of Women

39. While the Commission on the Status of Women was not included in the content analysis undertaken for the present report to avoid biasing the results, given its exclusive focus on gender equality issues, this body has primary responsibility for the follow-up to the Fourth World Conference on Women and continues to play a

major role in promoting the strategy of gender mainstreaming. In accordance with paragraph 3 of General Assembly resolution 67/148, the Commission continues to play a catalytic role in promoting gender equality and the empowerment of women based on the full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly and in promoting and monitoring gender mainstreaming within the United Nations system.

40. At its fifty-sixth session, in 2012, the Commission considered the empowerment of rural women and their role in poverty and hunger eradication, development and current challenges. While extensive substantive documentation was prepared by the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) in support of the session, and rich discussions were held during the session, the Commission did not adopt a set of agreed conclusions on this theme. However, summaries by the Chair on the high-level round table and the two panels on the priority theme were transmitted to the Economic and Social Council as input for the annual ministerial review at its substantive session of 2012, and the ministerial declaration adopted that year by the Council on promoting productive capacity, employment and decent work to eradicate poverty in the context of inclusive, sustainable and equitable economic growth at all levels for achieving the Millennium Development Goals reiterated the importance of empowering rural women as critical agents for enhancing agricultural and rural development and food security and nutrition.

41. The Commission also adopted key resolutions during the session, providing policy guidance to Member States and other stakeholders, including on gender equality and the empowerment of women in natural disasters (resolution 56/2), eliminating maternal mortality and morbidity through the empowerment of women (resolution 56/3) and indigenous women: key actors in poverty and hunger eradication (resolution 56/4). These resolutions, which are a repository of normative guidance, provide other intergovernmental bodies with language and perspectives that can help them to strengthen the gender equality dimensions of their work and outcomes.

42. This potential of the work and outcomes of the Commission was evidenced, for instance, in General Assembly resolution 67/153 on the rights of indigenous peoples, in which the Assembly recalled the two resolutions of the Commission on indigenous women (resolutions 49/7 of 2005 and 56/4 of 2012). Also, at least three resolutions adopted by the Assembly at its sixty-seventh session (67/172 on the protection of migrants, 67/195 on information and communications technologies for development and 67/202 on entrepreneurship for development) referred to or used paragraphs from the agreed conclusions on access and participation of women and girls in education, training and science and technology, including for the promotion of women's equal access to full employment and decent work.[5]

43. The agreed conclusions of the Commission on the Status on Women at its fifty-fifth session thus not only play an important role at the national level, by providing action-oriented recommendations to fully implement the Beijing Declaration and Platform for Action and the outcomes of the twenty-third special

[5] See *Official Records of the Economic and Social Council, 2011, Supplement No. 7* (E/2011/27), chap. I, sect. A.

session of the General Assembly, but are also a crucial tool for encouraging other intergovernmental bodies to pay greater attention to gender equality.

44. Recognizing the critical role of the agreed conclusions, UN-Women designed a comprehensive strategy in preparation for the fifty-seventh session of the Commission, the priority theme of which was "Elimination and prevention of all forms of violence against women and girls", to ensure that deliberations would result in a strong outcome document. Efforts focused on preparing a strong substantive basis on the priority theme and on building broad-based support for strengthening normative standards. UN-Women mobilized Member States, the United Nations system, civil society, academic experts and the private sector through a range of activities, including an expert group meeting, an online discussion and a stakeholders' forum. The Entity's unprecedented scope and level of preparations laid the groundwork for the highly successful fifty-seventh session of the Commission. A fuller account of the extensive preparations for the fifty-seventh session and its outcomes will be provided in the next report on measures taken and progress achieved in follow-up to the implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, which will cover the 2013 sessions of the functional commissions of the Economic and Social Council.

IV. Factors accounting for the successful integration of a gender perspective in intergovernmental outcomes

45. The present section focuses on two of the Main Committees of the General Assembly — the First and the Second Committees — and examines the mechanisms through which they increased attention to gender perspectives in their work during 2012 and highlights lessons for the work of other bodies.

46. The percentage of resolutions of the Second Committee that integrated a gender perspective increased significantly, from 33 per cent in the sixty-sixth session to 50 per cent in the sixty-seventh session. For instance, an annual resolution on international trade and development (the most recent of which is General Assembly resolution 67/196), which previously had included no gender perspectives, in the seventy-seventh session included references to gender in three paragraphs. In the First Committee, the increase was not significant: 5 of 53 resolutions integrated a gender perspective. While the percentage increased only marginally, from 6 per cent in the sixty-sixth session to 9 per cent in the sixty-seventh session, the First Committee adopted, for the second time, a resolution on women, disarmament, non-proliferation and arms control that brings a strong gender equality perspective to its work.

47. The progress that occurred in the Second Committee was probably in part due to the holding of the United Nations Conference on Sustainable Development and, especially, the catalytic role played by UN-Women. In the lead up to and during the Conference, which was held in Rio de Janeiro, Brazil, in June 2012, UN-Women, in partnership with other stakeholders, undertook extensive mobilization efforts to ensure that gender equality issues would be adequately discussed. UN-Women made a strong case for the centrality of gender equality and women's empowerment and organized a number of events to bring this message to the fore. Gender equality issues were subsequently well reflected in the outcome document. One of the

priority areas of the framework for action was dedicated to gender equality and the empowerment of women and many of the other priority areas mainstreamed a gender perspective.

48. The discussions held in Rio de Janeiro and the outcome of the Conference undoubtedly influenced the negotiations of the Second Committee during the sixty-seventh session of the General Assembly: compared with previous sessions, in fact, there was a substantial increase in the proportion of resolutions adopted under the agenda item on sustainable development, which included a gender perspective. This underscores the importance of gender equality advocates and, in particular, of UN-Women engaging in major intergovernmental processes focused on sectoral issues, as these in turn influence discussions in the General Assembly, the Economic and Social Council and other intergovernmental bodies.

49. The heightened collaboration between Member States and UN-Women during the sixty-seventh session of the General Assembly also played a key role in influencing outcomes within the Second Committee. On the basis of the findings of the previous report of the Secretary-General on measures taken and progress achieved in follow-up to the implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly (A/67/185) and pursuant to General Assembly resolution 66/132, in which the Assembly reiterated its call to the bodies of the United Nations system to increase efforts to fully mainstream a gender perspective into all issues under their consideration, UN-Women increased its outreach to the Second Committee. A one-page infographic on the integration of a gender perspective in the work of the General Assembly was produced to draw attention to areas of progress and remaining gaps.[6] In addition, UN-Women highlighted untapped opportunities for better reflecting gender equality issues in the work of the Second Committee. Delegations in the Second Committee welcomed these efforts and requested technical support to increase the attention paid to gender equality issues in a number of resolutions.

50. Thus, proactive outreach on the part of UN-Women enables intergovernmental bodies to monitor the progress resulting from their efforts to mainstream a gender perspective in their work. The technical expertise provided by UN-Women on gender equality and the empowerment of women also helps to build momentum for greater attention to gender equality issues in the range of topics discussed in intergovernmental forums.

51. The example provided by the First Committee shows how a gender perspective can be integrated into work that previously gave little attention to gender equality issues. During the sixty-fifth session of the General Assembly, the first resolution on women, disarmament, non-proliferation and arms control was adopted (65/69). This short resolution called for the topic to be discussed again at the sixty-seventh session, at which time the resolution was expanded to include issues such as women's participation in the design and implementation of disarmament, non-proliferation and arms control efforts and women's role in preventing, combating and eradicating the illicit trade in small arms and light weapons (67/48). In that resolution, the Assembly requested the Secretary-General to report to it at its

[6] See www.un.org/womenwatch/daw/documents/ga67/Infographics_gender_perspective_in_work_of_UNGA.pdf.

sixty-eighth session. This will provide an opportunity for the First Committee to further deepen the focus of its discussion on women, disarmament, non-proliferation and arms control. It is likely that, over time, deliberations under other agenda items in the First Committee will benefit from the discussions held on women, disarmament, non-proliferation and arms control.

V. Integrating a gender perspective in the post-2015 development agenda: the role of UN-Women

52. As the target date for achieving the Millennium Development Goals approaches, two main processes are currently under way to identify the shape and priorities of a post-2015 development framework. One of these processes focuses on advancing the United Nations development agenda beyond 2015; the other, on defining a set of sustainable development goals. While these processes are currently distinct, they are widely expected to converge at a later date. Both processes will, in the future, have an impact on the mainstreaming of gender equality issues in the work of intergovernmental bodies.

53. The process of advancing the United Nations development agenda beyond 2015 finds its origin in the outcome document of the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals (see Assembly resolution 65/1), in which Heads of State and Government requested the Secretary-General to make recommendations for further steps to advance the United Nations development agenda beyond 2015 and the President of the General Assembly to organize a special event in 2013 to follow up efforts made towards achieving the Millennium Development Goals. In support of these discussions, the Secretary-General appointed the High-level Panel of Eminent Persons on the Post-2015 Development Agenda and the Sustainable Development Solutions Network. The United Nations Development Group facilitated national dialogues in more than 80 countries and convened 11 multi-stakeholder thematic consultations. The web platform "The World We Want 2015" (www.worldwewant2015.org), a cooperative effort of United Nations system and civil society organizations, provides space for intensive consultations and exchange of information. A number of reports with recommendations on the post-2015 development agenda have already been issued by the United Nations System Task Team on the Post-2015 United Nations Development Agenda, the High-level Panel of Eminent Persons, the Sustainable Development Solutions Network and the United Nations Global Compact. A special event on efforts made towards achieving the Millennium Development Goals, to be held on 25 September 2013, is expected to result in a short outcome document that will include a road map for the post-2015 development agenda.

54. The definition of a set of sustainable development goals is a Member State-led process that was launched with the adoption of the outcome document of the United Nations Conference on Sustainable Development. The Open Working Group on Sustainable Development Goals, which is composed of Member States, will make a proposal on sustainable development goals to the General Assembly in September 2014. The Open Working Group is currently in an information-gathering and stock-taking phase, and a series of sessions are taking place on a wide range of thematic areas. The United Nations system provides technical support to the Open Working Group and works in consultation with Member States, civil society partners, the

private sector, academics and foundations at the international, regional and country levels. In addition, an intergovernmental committee of experts on sustainable development financing is expected to propose a financing strategy to the General Assembly by September 2014.

55. The engagement of UN-Women in these two processes is intended to ensure the inclusion of a strong focus on gender equality. The Entity is pursuing a twin-track strategy that calls for a stand-alone gender equality goal and for the integration of gender equality considerations in other goals through gender-sensitive targets and indicators.[7] Building on the lessons learned from the Millennium Development Goals, UN-Women has developed a vision for a new gender equality goal that would address the structural barriers that prevent the achievement of equality between women and men. This goal would be articulated around three target areas: women's freedom from violence, gender equality in capabilities and resources, and gender equality in decision-making power and voice. A human rights approach underlies these three elements: every woman has the right to live free of violence, to have equal access to health, education, resources such as land and financial services, and decent work, and to participate equally in decision-making from the household level to the highest levels of government. Women's enjoyment of those rights is the prerequisite for women to fulfil their potential and for societies to develop democratically and peacefully.

56. UN-Women is working to identify a set of indicators that are most critical for the transformation of gender-based discrimination and inequalities. These are based on a minimum set of indicators formally endorsed by the Statistical Commission in February 2013, covering economic structures, participation in productive activities, access to resources, education, health and related services, participation in public life and decision-making and the enjoyment of human rights, including the right to live free from violence. While these indicators are primarily being developed to measure progress and ensure accountability on a stand-alone gender equality goal, some could also be used for mainstreaming a gender perspective into other goals, depending on the content of the new framework.

57. To make this transformative vision a reality, UN-Women is engaging closely in the two processes outlined above. For instance, it actively participated in the national consultations on the post-2015 development agenda organized by the United Nations Development Group and, together with the United Nation Children's Fund, it led the global consultation on inequalities. In addition, UN-Women provides technical expertise to the Open Working Group through its participation in the United Nations technical support team and the three working groups of the United Nations Task Team on the Post-2015 United Nations Development Agenda (on monitoring and target setting, global partnerships, and financing for sustainable development). In the framework of the implementation of the United Nations Conference on Sustainable Development outcome document, inter-agency mechanisms have provided yet another avenue for UN-Women to contribute to the integration of a gender perspective in the thematic work of United Nations partners.

58. While it remains unclear what the final outcome of the post-2015 and sustainable development goals processes will be, the recognition of the centrality of

[7] The position paper of UN-Women is available from www.unwomen.org/wp-content/uploads/2013/06/post-2015-case-for-standalone-gender-goal.pdf.

gender equality in the new framework is evidence of some success. For instance, the global consultation on inequalities and the three key reports with recommendations on the post-2015 development agenda included calls for a stand-alone goal on gender equality.[8] In the framework of the Open Working Group, gender equality and the empowerment of women will be discussed as a thematic area at the February 2014 session, and gender equality issues and women's empowerment have been addressed frequently in the sessions that have been held thus far.

59. In the months to come, UN-Women will continue to build a strong substantive case and to foster support for a transformative development framework to achieve gender equality, women's rights and women's empowerment. It will also leverage key intergovernmental events — in particular, the fifty-eighth and the fifty-ninth sessions of the Commission on the Status of Women, which will focus respectively on achieving the Millennium Development Goals for women and girls and on the forthcoming review and appraisal of the implementation of the Beijing Declaration and Platform for Action — to highlight how a focus on gender equality can strengthen the post-2015 agenda. Successfully placing gender equality at the centre of the new development framework will increase the chances that gender equality dimensions will be reflected routinely and regularly in the work of intergovernmental bodies, thus increasing opportunities to address key issues that can transform the lives of women and girls, as well as men and boys, around the world.

VI. Conclusions and recommendations

60. **Intergovernmental bodies are making progress in terms of reflecting, in a more systematic manner, a gender perspective in their work. An upward trend in the percentage of resolutions that included a gender perspective was recorded for the General Assembly, the Economic and Social Council, and the functional commissions of the Council. Progress was particularly evident in the work of those bodies focusing on social or economic and political issues. A high number of reports of the Secretary-General continue to address gender equality issues but conclusions and recommendations do not yet systematically integrate a gender perspective.**

61. **A gender perspective is too seldom reflected in some areas of work, in particular in resolutions dealing with disarmament and related international security questions, political issues and decolonization, administrative and budgetary matters, and international legal matters.**

62. **The General Assembly may wish:**

(a) **To reaffirm the relevance of gender mainstreaming, as a globally accepted strategy for promoting the empowerment of women and achieving gender equality, in all issues considered by its Main Committees and subsidiary bodies, including disarmament and related international security questions, economic questions, social and humanitarian issues, political issues and**

[8] See the reports of the High-level Panel of Eminent Persons on the Post-2015 Development Agenda, the Sustainable Development Solutions Network and the United Nations Global Compact.

decolonization, administrative and budgetary matters, and international legal matters;

(b) To reiterate its call upon all intergovernmental bodies of the United Nations system to fully mainstream a gender perspective into all issues under their consideration and within their mandates, as well as in all United Nations summits, conferences and special sessions and their follow-up processes;

(c) To request that reports of the Secretary-General submitted to the General Assembly and the Economic and Social Council and their subsidiary bodies systematically address gender perspectives through the provision of sex- and age-disaggregated data and gender-sensitive analysis, and that conclusions and recommendations for further action address the situation and needs of women and men, so as to facilitate gender-sensitive policy development;

(d) To welcome ongoing efforts to mainstream a gender perspective in discussions on a post-2015 development framework and sustainable development goals, and call for gender equality and women's empowerment to be reflected as a stand-alone goal and to be integrated through targets and indicators into all goals of any new development framework;

(e) To call upon Governments and all stakeholders to use national and regional preparations for the review and appraisal of the implementation of the Beijing Declaration and Platform for Action to identify and strengthen opportunities for mainstreaming a gender perspective in all sectors and in all areas of development, including in the elaboration of the post-2015 development framework;

(f) To encourage UN-Women to continue to raise awareness of the need to mainstream a gender perspective in the work of intergovernmental bodies and to provide technical assistance, at the request of Governments, on strengthening the gender perspective in resolutions of intergovernmental bodies;

(g) To encourage the Secretary-General to publicize the findings of the present report in order to strengthen follow-up on these findings and accelerate the implementation of the resolution on Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Platform for Action and the outcome of the twenty-third special session of the General Assembly.

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Sixty-eighth session
Item 69 (b) of the provisional agenda*
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Report of the Independent Expert on human rights and international solidarity

Summary

The Independent Expert on human rights and international solidarity, Virginia B. Dandan, submits the present report in accordance with Human Rights Council resolution 21/10. The report provides a concise introduction to the mandate of human rights and international solidarity, including an overview of how the methodology and approach to the mandate has been developed since it was created in 2005 and the implementation of the workplan in three stages.

The report also features a summary of activities undertaken by the Independent Expert in response to the requests of the Human Rights Council in its resolutions 18/5 and 23/12, including: cooperation with the Human Rights Council Advisory Committee; participation in international conferences and events; taking into account the outcomes of major United Nations and other global summits; conducting country visits with the aim of seeking and exchanging views with Governments and identifying their best practices for the promotion of international solidarity; holding consultations with Member States, relevant United Nations and other international organizations, agencies and programmes, and other stakeholders at the national, regional and international levels in the discharge of the mandate; and conducting in-depth research and intensive consultations with a view to preparing and sharing with Member States and all other relevant stakeholders a preliminary text of the draft declaration on the right of peoples and individuals to international solidarity.

* A/68/150.

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I. Introduction

1. In its resolution 2005/55, the Commission on Human Rights established the mandate of the Independent Expert on human rights and international solidarity to: study the issue of human rights and international solidarity; prepare a draft declaration on the right of peoples to international solidarity; take into account outcomes of all major United Nations and other global summits and ministerial meetings in the economic and social fields and seek views and contributions from Governments, United Nations agencies, relevant organizations and non-governmental organizations; and report annually on the progress made in the fulfilment of the mandate.

2. On 28 July 2005, the Commission appointed Rudi Muhammad Rizki as Independent Expert on human rights and international solidarity. The current Independent Expert, Virginia B. Dandan, was appointed by the Human Rights Council in August 2011.

3. The mandate of the Independent Expert has been renewed twice, each time for a period of three years, by the Human Rights Council the successor body to the Commission on Human Rights, in its resolutions 7/5 and 17/6.

4. The Human Rights Council, in its resolution 21/10, requested that the Independent Expert:

(a) Continue to identify areas to be addressed, the main concepts and norms that could form the basis of a framework and good practices to inform the future development of law and policy with regard to human rights and international solidarity;

(b) Hold consultations with Member States, relevant United Nations and other international organizations, agencies and programmes, as well as other stakeholders at the national, regional and international levels, in the discharge of her mandate;

(c) Undertake country visits with the aim of seeking and exchanging views with Governments and identifying their best practices for the promotion of international solidarity;

(d) Conduct in-depth research and intensive consultations with a view to preparing and sharing with Member States and all other relevant stakeholders a preliminary text of the draft declaration on the right of peoples and individuals to international solidarity;

(e) Participate in relevant international forums and major events with a view to promoting the importance of international solidarity in the implementation of the Millennium Development Goals and in the post-2015 sustainable development agenda;

(f) Report regularly to the General Assembly in accordance with its programme of work.

5. The Independent Expert would like to thank her predecessor, Rudi Muhammad Rizki, who passed away in 2011, and to acknowledge with appreciation his work, which will be taken into account in her own work. The outcomes of her activities will be consolidated with the work of her predecessor to comprise the empirical basis of a draft declaration on the right of peoples and individuals to international solidarity.

6. The Independent Expert would also like to take this opportunity to express her thanks and appreciation to the Human Rights Council Advisory Committee for its valuable input to her work in the preparation of a draft declaration on the right of peoples and individuals to international solidarity.

II. Developing a methodology of work and approach to the mandate

7. Previous to the establishment of the mandate of the Independent Expert, and in accordance with decision 2003/115 of the Subcommission on the Promotion and Protection of Human Rights, Rui Baltazar Dos Santos Alves prepared a working paper on the issue of human rights and international solidarity (E/CN.4/Sub.2/2004/43). This working paper concluded that human rights and international solidarity constituted an extremely broad area of research that still aroused controversy and lacked deep analysis and study in the judicial and other fields. The paper concluded that, within the context of globalization and the widening gap between developed and developing countries, it was necessary to strengthen international solidarity for the effective realization of human rights by States. International solidarity, as an instrument for the attainment of human rights, was a fact of international life that should be valued, but which needed new development, with the objective of building a more just and equitable international order that favours such rights. In interpreting the concept of international solidarity, the author of the working paper also argued that there should be a right/duty of international solidarity in matters of human rights and in related areas.

8. The previous Independent Expert sought to develop the concept of human rights and international solidarity in the following three areas: international cooperation; global response to natural disasters, diseases and agricultural pests; and third-generation rights. The three major areas of focus represented the existence of international solidarity in international forums. By indicating the importance and existence of international solidarity in the major areas of focus, the Independent Expert sought to establish international solidarity in United Nations human rights instruments. Furthermore, the Independent Expert aimed to endorse the practice of international solidarity by more international actors and to encourage them to take initiatives towards international solidarity and to practice it in international relations.

9. In 2009, the former Independent Expert distributed a questionnaire on human rights and international solidarity to Member States, the Departments of the Secretariat, United Nations bodies, the specialized agencies, other international organizations, non-governmental organizations and special procedures mandate holders. The responses were compiled and presented to the Human Rights Council in a report (see A/HRC/15/32), which also identified salient elements of a conceptual and normative framework, as drawn from the responses, including the observations of the former Independent Expert. In concluding the report, the Independent Expert underlined the value and significance of international solidarity in an interdependent world and how it may eventually guide the progressive development of international law in this sphere.

10. In its resolutions 9/2 and 12/9, the Human Rights Council requested its Advisory Committee to prepare inputs to contribute to the elaboration by the Independent Expert of a draft declaration on the rights of peoples and individuals to

international solidarity and to the further development of guidelines, standards, norms and principles with a view to promoting and protecting that right.

11. The current Independent Expert interprets the assigned tasks of the mandate as an implicit recognition that a declaration on the right to international solidarity will serve as the conceptual framework upon which that right will be developed. This interpretation is further rationalized by the directive to promote the realization of the right of peoples and individuals to international solidarity, inter alia, through the further development of guidelines, standards, norms and principles enhancing the enjoyment of that fundamental right, as set out in Human Rights Council resolution 17/6. Pursuant to Council resolutions 9/2, 12/9, 15/13 and 18/5, the current Independent Expert engaged with the Advisory Committee during its eighth session in February 2012, and discussed with the Committee members the paper prepared by its drafting group as input to the work of the Independent Expert on a draft declaration on the right of peoples and individuals to international solidarity. In August 2012, the Advisory Committee submitted its final paper to the Council, containing its contribution to the work of the Independent Expert in the preparation of a draft declaration on the right of peoples and individuals to international solidarity (see A/HRC/21/66).

12. The Human Rights Council, in its resolution 18/5, requested the United Nations High Commissioner for Human Rights to convene, in 2012, a workshop for an exchange of views on, inter alia, the gender implications of international solidarity, the impact of a right to international solidarity, the role of international solidarity in achieving the Millennium Development Goals and the realization of the right to development, with the participation of representatives from all interested States, the Independent Expert, the members of the Advisory Committee dealing with that issue and civil society.

13. In this connection, an expert workshop on human rights and international solidarity was held by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Geneva on 7 and 8 June 2012 (see A/HRC/44/Add.1). It was convened under the auspices of the current Independent Expert who brought together 26 experts from all regions. Representatives of Governments, United Nations agencies and non-governmental organizations attended the public segment of the workshop as observers and were invited to participate in its working groups. In her concept note, the Independent Expert outlined her workplan for the preparation of a draft declaration on the right to international solidarity in three stages:

(a) Stage one consisted of the work that had already been carried out, in particular the work of the former Independent Expert;

(b) Stage two would involve research and the application of empirical methods in examining issues, principles and best practices on the ground and in consulting with States and various stakeholders as well as representatives of civil society and people from the grass roots;

(c) Stage three would focus on consolidating and analysing the output from stages one and two and on crafting the draft declaration, culminating in its submission to the Human Rights Council by the end of 2014.

14. In its most recent resolution relating to the mandate of human rights and international solidarity, resolution 23/12, the Human Rights Council requested the Independent Expert, inter alia, to: conduct in-depth research and intensive

consultations with a view to preparing and sharing with Member States and all other relevant stakeholders a preliminary text of the draft declaration on the right of peoples and individuals to international solidarity; participate in relevant international forums and major events with a view to promoting the importance of international solidarity in the implementation of the Millennium Development Goals and in the post-2015 sustainable development agenda; and continue to engage actively in the post-2015 process, stressing the role of international solidarity as a key element to achieve sustainable and more inclusive development.

15. In the same resolution, the Council reiterated its request that the Independent Expert report regularly to the General Assembly in accordance with its programme of work.

III. Implementation of the workplan

A. Stage one: laying the groundwork

16. International solidarity was affirmed in various ways, including: as a fundamental concept of mutually reinforcing relations among persons, groups and nations; as an essential binding element that underpins global partnerships; as key approach to poverty eradication;[1] and as an indispensable component of the efforts to realize all human rights, including the right to development and the Millennium Development Goals.

17. The former Independent Expert, using his research as a basis, defined international solidarity as the union of interests or purpose among the countries of the world and social cohesion between them, based on the interdependence of States and other international actors, in order to preserve the order and survival of international society and to achieve collective goals that require international cooperation and joint action. In his view, the idea of international solidarity could be said to have a legal basis in a number of existing international instruments, including: the Charter of the United Nations, Article 1, paragraphs 2 and 3, and Article 55, subparagraph (b); the United Nations Millennium Declaration; the Millennium Development Goals (as reviewed in *The Millennium Development Goals Report* of 2006); the Declaration on the Right to Development; the preamble to the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in 1993 (Vienna Declaration); the Universal Declaration on the Human Genome and Human Rights, article 17; the preamble to the Universal Declaration on Cultural Diversity of the United Nations Educational, Scientific and Cultural Organization; and the Charter of Fundamental Rights of the European Union, chapter IV.

18. The final report submitted by the former Independent Expert consisted for the most part of his observations and conclusions based on responses to the questionnaire he had circulated in 2009, to States, the Departments of the Secretariat and United Nations bodies, the specialized agencies, other international

[1] See Kyiv Declaration of the Organization of the Black Sea Economic Cooperation of 17 April 2008, as cited in A/HRC/15/32.

organizations, non-governmental organizations and special procedures mandate holders. The questionnaire consisted of the following eight questions:[2]

(a) Given that the principle of international solidarity is essential to responding to current global challenges, what is your opinion with regard to recognizing international solidarity as a principle of international law, in particular, international human rights law?

(b) Taking into consideration the related concepts of international solidarity, the right to development and human rights-based approaches to development, what is your opinion on international solidarity as one of the approaches to alleviate poverty?

(c) Do you see third generation rights, in particular solidarity rights, as an established or an emerging area of human rights law? In your perspective, is there any particular right that should be included under solidarity rights other than the rights mentioned herein?

(d) In your view, are the main areas of focus (international cooperation, global responses to natural disasters, agricultural pests and diseases and third generation rights), sufficiently representative of today's issues, challenges and crisis situations?

(e) How do you perceive global responses to natural disasters within the framework of international law?

(f) How should international cooperation be strengthened in order to accomplish the Millennium Development Goals?

(g) How would the right to development reduce the existing gap between developed and developing countries by means of international cooperation and solidarity?

(h) In your view, are there State obligations in relation to international and/or global solidarity?

19. In the section on the salient elements of a conceptual and normative framework in the above-mentioned report, the former Independent Expert reiterated that there is an unequivocal value of solidarity and a related value system that can inform the progressive development of international law and legal development at the regional and national levels, supporting an integrated and cohesive principle of international solidarity and an evolving right of peoples and individuals to international solidarity. In the same section of his report, he also reiterated his call for human, international and global solidarity, requiring strengthened cooperation among all stakeholders: States, international and non-governmental organizations, the private sector and all individuals. He stated that the need for solidarity was amplified in the context of increasing interdependence in a globalizing world, where liberalization of international trade and foreign direct investment have created a single global economy, mandating that humanity was also conceived as a single, global community.

[2] See A/HRC/15/32, annex. Each question was preceded by an explanatory note not reproduced herein. The responses to the questions are in the main body of the report.

20. In the conclusion to his report, the former Independent Expert stated that international solidarity was a precondition for human dignity, the basis of all human rights, and a human-centred approach to development and that it had a bridge-building function across all divides and distinctions, encompassing the values of: social justice and equity; goodwill among peoples and nations, and integrity of the international community; sovereignty and sovereign equality of all States, and friendly relations among them. International cooperation is the core of international solidarity.

21. The former Independent Expert went on to state that international solidarity was not limited to international assistance and cooperation, aid, charity or humanitarian assistance; it was a broader concept and principle that included sustainability in international relations, especially international economic relations, the peaceful coexistence of all members of the international community, equal partnerships and the equitable sharing of benefits and burdens and refraining from doing harm or posing obstacles to the greater well-being of others, including within the international economic system and to our common ecological habitat, for which all were responsible. Since, in a unified, interdependent, globalized marketplace, actions and inactions could benefit or harm people at the furthest ends of the earth, they required shared responsibilities and mutual accountability. In his view, tolerance and diversity were intrinsic to international solidarity, which had no space for discrimination of any form. In addition, special attention should be given to the human rights of vulnerable groups, including women, children, the disabled, the elderly, indigenous peoples and migrants.

22. He identified the primary areas to be addressed, the main concepts and norms that could form the basis of a framework and good practices to inform the future development of law and policy with regard to human rights and international solidarity. He reported that there was an abundance of hard and soft laws, policies and values that could form the basis of a conceptual and normative framework on human rights and international solidarity, principles and guidelines on human rights and international solidarity and, eventually, a draft declaration on the right of peoples and individuals to international solidarity. Those laws, policies and values in the national, regional and international domains included the most basic instruments founded on international consensus.

23. In the same report, the former Independent Expert stressed the selected areas of focus and emerging areas in which international solidarity should take a more central role, including in sustainable development, financing for development and South-South cooperation. In this regard, he emphasized the importance of following major global summits and ministerial meetings in the economic, social and climate fields with a view to promoting the right to international solidarity and the conduct of country study visits to learn about and observe the various good practices undertaken by different actors.

B. Stage two: the shift from a concept of international solidarity to the right to international solidarity

24. In the context of her workplan, the current Independent Expert considers that international solidarity has been defined and redefined in the course of stage one, as inspired by and drawn from the historical and philosophical foundations of the

concept or principle of international solidarity and to a certain extent, its value in international relations has been established. Stage two of the workplan aims to build the momentum necessary to move beyond the bounds of international cooperation and assistance that have constrained, for too long, the elaboration of a right to international solidarity.

25. The Human Rights Council, in paragraph 2 of its resolution 18/5, affirmed the views of the former Independent Expert that international solidarity was not limited to international assistance and cooperation, aid, charity or humanitarian assistance, that it involved a broader concept and principle that included sustainability in international relations, especially international economic relations, the peaceful coexistence of all members of the international community, equal partnerships and the equitable sharing of benefits and burdens. In the same resolution, the Council also affirmed that much more was needed owing to the magnitude of global and local challenges, the alarming increase in natural and man-made disasters and the continuing rises in poverty and inequality. Ideally, solidarity should be preventive rather than simply reactive in the face of the massive irreversible damage already caused, and it should address both natural and man-made disasters. As guided by the Council, in stage two the focus has been shifted from the concept or principle of international solidarity to the right to international solidarity.

26. The preliminary considerations of the current Independent Expert about the draft declaration were drawn from various sources, notably from the activities described in her first report to the Council and its addendum containing the summary of discussions during the expert workshop on human rights and international solidarity held in June 2012 in Geneva (A/HRC/21/44 and Add.1); from the country study mission to Brazil; and from her informal consultations with various actors, personal research and engagements with civil society in various countries:

(a) The draft declaration should be established on the basis of a level playing field mirroring the current international political and economic realities, which have blurred the previous stereotypical relationships between developed and developing countries and economies. It is important to stress, in this regard, that a right to international solidarity reaches beyond the economic sphere onto the humanitarian, environmental and other fields where the North/South distinctions have become less clear cut;

(b) The draft declaration should invoke the legal bases of a right to international solidarity that have already been identified a number of times and that document the details of international law and international human rights law on which the right is founded. The principles that inform the declaration should be taken from the substantive content of relevant resolutions of the Human Rights Council and its predecessor, the Commission on Human Rights and from the shared interests of States and of various civil society actors, including non-governmental and grass-roots groups;

(c) The configuration of a right to international solidarity requires more than relying solely on rationality. Since international solidarity stems from the actual experience of interdependence and interrelatedness that informs social relations at the present time, a right to international solidarity therefore takes into account how good practices of collective action on the ground, whether among individuals,

groups of individuals or States, give rise to desirable outcomes towards the realization of human rights;

(d) People and institutions can and do engage in relationships of solidarity across distances. Even without face-to-face contacts, modern technology has provided the means to establish common understandings as a basis for empathy and for collective action. This phenomenon is evident in recent social movements throughout the world, including, most notably, the astounding outgrowth of social networking as well as the virtual and real communities it has spawned. Best practices in this regard can validate a right to international solidarity;

(e) The concept of international solidarity, precisely because it is based on such a fragile balance of empathy, openness and possible collective action, may be directed either towards the realization of human rights or manipulated, misused and abused to further perpetuate pervasive asymmetries and inequalities, as well as conflict among and between people and States. It is envisioned that a right to international solidarity would provide a mechanism to prevent, protect against, and manage this risk;

(f) A right to international solidarity should establish and strengthen space for participation and, simultaneously, increase the accountability of national and international stakeholders by identifying duties and obligations, including the respect for cultural diversity and the right to peace. This should not be interpreted as replacing the obligations of national Governments to respect, protect and fulfil human rights within their territories. Rather, this would support national policy choices and, at the international level, could take the form of supporting participation, for example by making data available to all, including through technology transfer, capacity-building and the sharing of the benefits of research and scientific progress. As a minimum core obligation, States must desist from actions that violate human rights in other countries;

(g) A right to international solidarity should identify the obligations of States that extend beyond the question of establishing mechanisms at the international level for the distribution of resources. Positive obligations would include taking concrete steps to regulate financial markets; cooperating to regulate migration on the basis of solidarity; guaranteeing access to information and communications technology, especially by the marginalized and disadvantaged; implementing measures that guarantee participation in decision-making; and countering systemic violations of human rights. Negative obligations would include: not adopting free trade agreements that have the effect of undermining peoples' livelihoods or other rights; not increasing or contributing to global warming; not causing the depletion of, or irreparable damage to, natural resources and biodiversity; not engaging in irregular weapons trade; and not impeding access to information and communications technology;

(h) Achieving the Millennium Development Goals requires international solidarity and cooperation. The proposed declaration on the right to international solidarity should inform and strengthen the targets of the Goals, especially those related to Millennium Development Goal 8, as they evolve within the post-2015 development agenda, which is in the planning stage. Looking beyond the deadline for the achievement of the Millennium Development Goals, the declaration on the right to international solidarity should provide a framework in which international commitments, such as that of fostering Goal 8, could be pushed forward, along with

the preventive value of a right to international solidarity, in addressing global poverty and inequality. The Millennium Development Goals and the corresponding targets are interrelated and should be seen as a whole. They represent a partnership between countries, irrespective of their state of economic development, "to create an environment — at the national and global levels alike — which is conducive to development and the elimination of poverty" (see resolution 55/2). A right to international solidarity has the potential to progressively create such an enabling environment.

C. Stage three: working on a preliminary text in preparation for a draft declaration

27. The Independent Expert, pursuant to the request of the Human Rights Council in its resolution 23/12, is presently preparing a draft declaration on the right of peoples and individuals to international solidarity, to be shared with Member States and all other relevant stakeholders, with a view to eliciting comments before she begins to finalize the text. In preparing the draft text, and in addition to the considerations outlined in paragraph 26 above, the work of the Independent Expert will also be informed by the assumptions she formulated in the course of her analysis of the consolidated data she has compiled in the course of her research:

(a) The right to international solidarity is a fundamental human right enjoyed by everyone on the basis of equality and non-discrimination. It involves sharing the benefits and responsibilities of an international society within a just and fair political and economic order where sustainability in international relations, especially international economic relations, prevails through equal partnerships and peaceful coexistence of all members of a culturally diverse international community, whose common goal is the full realization of all human rights and fundamental freedoms, as well as the eradication of poverty and inequality among peoples and States;

(b) Preventive solidarity aims at dealing with the root causes of poverty, inequality and gender imbalances. Such an approach implies that States fully respect their international obligations pledged at the United Nations, in compliance with their obligations under international law. Preventive solidarity is essential to the achievement of both intergenerational and intragenerational solidarity;

(c) In the context of today's interdependent world where circumstances are often beyond the control of individual States, the recognition of extraterritorial obligations of States is implicit in the right to international solidarity.

(d) Numerous issues may be considered in configuring a right to international solidarity, including: bridging global asymmetries in levels of development among countries, which is closely related to poverty eradication and to the capacity of States to comply with their international human rights obligations; promoting an international economic order based on equal and meaningful participation in decision-making processes; transnational solidarity among individuals, groups and organizations; technology transfer; fair and just sharing of the costs and benefits of development; transparent, democratic, just and accountable international institutions; respect for cultural diversity, cultural heritage and cultural rights; friendly relations among States; equitable access to benefits from the international distribution of wealth through enhanced international cooperation, in

particular in international economic, commercial and financial relations; the right to development; and, the right to peace;

(e) The right to international solidarity would be informed by a consistent gender-sensitive approach in its elements, norms and principles.

28. In the process of developing a draft declaration, the Independent Expert, in accordance with her mandate, will continue to: consult with States, meeting with national representatives face-to-face as much as possible, in addition to taking into account their written comments and suggestions on the draft text received; engage with civil society organizations and other stakeholders to solicit their views and inputs; conduct country study visits to seek best practices of international solidarity and international cooperation; and report on what has been achieved with regard to the mandate on human rights and international solidarity.

IV. Summary of activities (August 2011 to December 2012)

29. On 14 September 2011, the Independent Expert participated in the panel discussion of the Human Rights Council to commemorate the twenty-fifth anniversary of the adoption of the Declaration on the Right to Development by the General Assembly in its resolution 41/128. The focus and objectives of the panel discussion were to enhance understanding of the contribution and potential of the Declaration to thinking, policy and practice on development, to reflect on how the right to development could be implemented in the context of contemporary political, social, environmental and financial challenges and to contribute to the shaping of future work on the effective implementation of the right to development.

30. The Independent Expert presented seminar papers on the theme and participated in the interactive discussion following each presentation. Her paper dealt with how the achievement of the Millennium Development Goals and the right to development call for a more enlightened approach based on a sense of community and international solidarity.

31. In addition, the Independent Expert participated in the Social Forum of the Human Rights Council, which took place in Geneva from 3 to 12 October 2011. The Forum serves as a unique space for open and constructive dialogue among States, civil society and intergovernmental organizations on issues linked to promoting a national and international environment for the enjoyment of all human rights by all.

32. The Independent Expert participated in the thematic panel on "The Declaration on the Right to Development at 25", at which she pointed out that international solidarity should be an indispensable component of efforts to realize the right to development, which would help to lessen the gap between developed and developing countries by reinforcing rhetoric and declarations with tangible actions.

33. Since taking office on 1 August 2011, in addition to the undertakings described above, the Independent Expert has released media messages on the following occasions: the seventeenth Conference of the Parties to the United Nations Framework Convention on Climate Change, held in Durban, South Africa, in late 2011; International Human Solidarity Day, celebrated annually on 20 December; and the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil, in June 2012. She also joined other special procedures mandate holders in issuing media statements on: the imperative of human rights at the

Conference on Sustainable Development; in support of a global financial transaction tax; and calling attention to the remaining gaps in the attainment of the Millennium Development Goals.

34. The Independent Expert also participated in the eighth meeting of the Advisory Committee, held in February 2012. The Committee held preliminary consultations on the draft paper on human rights and international solidarity as input to the work of the Independent Expert on a draft declaration on human rights and international solidarity, pursuant to Council resolutions 9/2, 12/9 and 15/13.

35. Members of the Advisory Committee and the Independent Expert exchanged views on suggestions to strengthen the rationale for the formulation of the concept of human rights and international solidarity, including by taking a closer look at the hard evidence from multilateral treaties, emphasizing solidarity through commitments made by States, and the issue of international cooperation as a duty of States.

36. The Advisory Committee submitted its final paper on human rights and international solidarity to the twenty-first session of the Human Rights Council (A/HRC/21/66).

37. As mentioned above, the Independent Expert played an active role in the preparation and organization by OHCHR of an expert workshop on human rights and international solidarity, which was held in Geneva on 7 and 8 June 2012. The workshop provided an opportunity for an exchange of views on, inter alia, the gender implications of international solidarity, the impact of a right to international solidarity, the role of international solidarity in achieving the Millennium Development Goals and the realization of the right to development.

38. The workshop, which was convened under the auspices of the Independent Expert, brought together 26 experts from all regions. Representatives of Governments, United Nations agencies and non-governmental organizations attended the public segments of the workshop as observers.[3]

39. The Independent Expert also participated as a panellist at the People's Summit for Social and Environmental Justice in Rio de Janeiro, Brazil, organized on 18 June 2012 in parallel to the United Nations Conference on Sustainable Development by civil society, human rights and development organizations in the Latin American region. The forum addressed the theme "The new role of rights-based organizations in the promotion of social and environmental justice".

40. At the Summit, the Independent Expert spoke about the role of international solidarity in supporting the global agenda on sustainable development. She called for "solidarity cooperation", urging States and civil society to work together, building on their commonalities and surmounting their differences in the spirit of partnership and mutual respect, for the sake of our common future.

41. The Independent Expert conducted her first official country study mission to Brazil from 25 to 29 June 2012, for the purpose of exchanging views with the Government and other actors and gathering information on the experiences of Brazil in international solidarity, including, and in particular, in the context of its international cooperation activities.

[3] For a summary of the workshop discussions, see A/HRC/21/44/Add.1.

42. During the country study mission, the Independent Expert met with Government officials engaged in policy matters and activities in international cooperation. Consultation meetings were also held with representatives of United Nations agencies in Brazil and of civil society organizations. A meeting was also held with the United Nations Resident Coordinator.

43. The final report on the country study mission (A/HRC/23/45/Add.1) highlights the main observations made by the Independent Expert in the course of her visit. The Independent Expert welcomed Brazil's international cooperation initiatives, inter alia, in the fields of health, food security and nutrition, education, agricultural technology and rural development and the fight against hunger and poverty. Such initiatives, founded on solidarity, provided valuable lessons for setting a new paradigm in international development cooperation. Brazil's experiences illustrated the value of best practices as portals to the inherent interface between the policy and practice of international solidarity and the realization of human rights.

44. The 2012 Social Forum, which took place from 1 to 3 October 2012, focused on people-centred development and globalization, with the key themes, including participatory development and democratic governance, including through the role of social movements; women's rights; the coherent mobilization of all sources of financing for development; the international financial system and enhancing a globally enabling environment for development; strengthening the global partnership for development; promoting sustainable development in an era of globalization; and innovative approaches to development and globalization.

45. The Independent Expert participated in the thematic panel on participatory development, in which she described her experience in leading the work of a human rights community development project jointly sponsored by the Commission on Human Rights of the Philippines and the New Zealand Human Rights Commission in the Bajau indigenous communities in the conflict-ridden area of Mindanao in the Philippines. Recounting valuable lessons learned during that project, she called upon human rights practitioners not only to focus on preventing human rights violations, but also to undertake activities aiming at the empowerment of people and communities to foster and protect their own well-being. She said that, in that context, human rights should determine how we live together as one human family. The project is a valuable example of solidarity-based cooperation to improve human rights at the grass-roots level.

46. At the end of the Social Forum, participants concluded, inter alia, that in an era of globalization, society must develop a new people-centred development paradigm founded on the principles of human rights, equality, solidarity and sustainability.

47. The eighteenth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change and the eighth session of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol were held in Doha from 26 November to 8 December 2012. In her message to the meeting, the Independent Expert urged world Governments to see beyond the cost of climate change in purely monetary terms, and to adopt a strong commitment to international solidarity as a key element towards a successful round of United Nations climate change talks. She stated that international solidarity was a key factor in building a global constituency for more equitable arrangements for climate change, particularly on investments, finance, aid, debt, technology transfer, intellectual property, migration, the environment and the global partnership for development. She stressed

the urgent need for a new cooperation model built upon a multilateral response to the mounting challenges of climate change, guided by a human rights-based approach to the principles of equity and of common but differentiated responsibilities, implemented in the spirit of international solidarity. The Independent Expert urged parties not to abandon the Kyoto Protocol, and not to allow the expiration of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention without a clear transfer of unresolved issues linked to the principles of equity and of common but differentiated responsibilities, while taking into full account the standards enshrined in the Universal Declaration of Human Rights.

48. The Independent Expert participated in the twenty-second annual regional human rights and peoples' diplomacy capacity-building programme for human rights defenders in the Asia-Pacific region, held from 26 November to 10 December 2012 in Dili. The two-week programme was organized by the Diplomacy Training Program, a non-governmental organization, at the invitation of its founder and patron, José Ramos-Horta, the 1996 Nobel Peace Laureate and former President, Prime Minister and Minister for Foreign Affairs of Timor-Leste. The programme is affiliated with the University of New South Wales in Sydney, Australia. The Independent Expert was invited to conduct and facilitate training sessions on: the right to international solidarity; human rights in development; economic, social and cultural rights and the concept of State obligations; and extraterritorial obligations of States in the field of economic, social and cultural rights. During her stay in Timor-Leste, the Independent Expert also held informal consultations with several stakeholders on the right to international solidarity. One of the recommendations coming out of the consultations was for the programme to include the right to international solidarity as one of its main topics in all its training courses.

49. In its resolution 60/209, the General Assembly recalled that in the Millennium Declaration, Heads of State and Government had identified solidarity as one of the fundamental and universal values that should underlie relations between peoples in the twenty-first century, and in that regard decided to proclaim 20 December of each year International Human Solidarity Day. Since her appointment, the Independent Expert has worked to increase awareness of the commemoration of this important day. She has coordinated activities with the Office of the President of the General Assembly, the Department of Economic and Social Affairs and the Executive Office of the Secretary-General. The 2012 theme of the International Day was "Global partnership for building shared prosperity". The Secretary-General, the President of the General Assembly and the Independent Expert each delivered messages, making a strong call for greater solidarity among nations and peoples, which is so important in periods of dramatic transition.

50. On 15 February 2013, as requested by the Human Rights Council in its resolution 19/33, OHCHR organized a seminar on the enhancement of international cooperation in the field of human rights, with the participation of States, relevant United Nations agencies, funds and programmes and other stakeholders, including academic experts and civil society, as well as a member of the Advisory Committee.

51. The Independent Expert submitted a written statement for the seminar on the theme "The way forward: general prospects, the ways and means to enhance international cooperation in the field of human rights including through developing guidelines, technical assistance, the universal periodic review and other

international mechanisms". The Independent Expert stressed the importance of best practices towards the realization of human rights in international cooperation, and made a strong call for participants to consider innovative mechanisms for cooperation, including South-South and triangular cooperation, which are still of relatively limited use in the promotion and realization of human rights.

Consultations with Member States, regional groups, United Nations agencies and civil society organizations

52. During the twenty-first session of the Human Rights Council, the Independent Expert held consultations with representatives of Bangladesh, Brazil, Cuba, Cyprus, Ethiopia, European Union, Iran (Islamic Republic of), Japan, Timor-Leste, Venezuela (Bolivarian Republic of) and the United States of America, and of the Holy See, who shared their views on the various aspects of her mandate. It is her intention to continue this process of consultations with as many Member States as possible and to undertake regional consultations, including during the process of the drafting of the declaration on the right to international solidarity.

53. Delegations expressed diverse and constructive views regarding the concept of and the right to international solidarity, including: the definition of international solidarity is illusive because it can take many forms; there should be a focus on best practices of solidarity that could be replicated in other places for the benefit of particular countries or regions; international solidarity should emphasize how human rights can be a positive intervention in the lives of people; the concept of international solidarity is too abstract at this point, which makes it difficult for some States that are concerned with possible legal and financial implications; there is a need for more clarity regarding what a right to international solidarity consists of, and that this right should not impose new obligations on States; some form of preliminary text of the draft declaration on the right to international solidarity would be of great value so that States can reflect on it and respond in a concrete manner rather than indulging in abstract speculations; civil society should be engaged in the process of elaborating the draft declaration from the early stages; and the Independent Expert should examine how international solidarity can be a mutually reinforcing policy between and among States.

54. The Independent Expert believes that the exchange of views and greater engagement with civil society organizations and other stakeholders is key to the process of drafting a declaration on the right to international solidarity, a view that has also been expressed by some delegations. Since her appointment, the Independent Expert has participated in numerous discussions and has undertaken consultations with United Nations agencies, international organizations and civil society organizations in Geneva and elsewhere, including through online discussions on the Internet.

55. Views expressed during consultations with civil society organizations include the following: solidarity and human rights converge to protect the dignity of everyone because solidarity is a platform on which to build the implementation of other human rights; the right to development cannot be realized in poor countries if there is no international solidarity; the normative implementation of international solidarity is needed to help people claim their human rights in the international community; the notion of international solidarity is concerned with supporting and creating a common global culture that will help to implement human rights;

solidarity must be the regulatory principle in the new global economic order marked by greater interdependence between States and peoples; and international solidarity must take into account the asymmetric power relations between and among States, which have implications in relation to rights, mutual obligations and equitable relationships.

V. International solidarity in the outcomes of major United Nations and other global summits and ministerial meetings

56. Pursuant to requests reiterated by the Human Rights Council in a succession of resolutions in relation to the mandate of human rights and international solidarity, the Independent Expert took into account the relevance of international solidarity in the outcomes of a number of major United Nations and other global summits and ministerial meetings, notably:

(a) The 2011 Ministerial Meeting of the Climate Vulnerable Forum, held in Dhaka on 13 and 14 November 2011; the Fourth High-level Forum on Aid Effectiveness held in Busan, South Korea, from 29 November to 1 December 2011; and the seventeenth Conference of the Parties to the United Nations Framework Convention on Climate Change, held in Durban, South Africa, from 28 November to 1 December 2011;[4]

(b) The thirteenth session of the United Nations Conference on Trade and Development (UNCTAD), held from 21 to 26 April 2012 in Doha, adopted two outcome documents: the Doha Mandate[5] and the Doha Manar,[6] an Arabic word meaning beacon. The two documents affirmed the core activities of UNCTAD, and declared the solidarity of its member States in their quest for a prosperous world. The Doha Mandate focused on the theme "Development-centred globalization: Towards inclusive and sustainable growth and development", contributing to reducing poverty and creating jobs. The Doha Manar, the closing declaration of the thirteenth session, stated, on behalf of the 194 member States that: "Together, as a collection of sovereign nations, we have endeavoured to construct a shared, interdependent and prosperous world through increased economic, political and social processes. By working to maximize the opportunities arising from globalization in international trade and investment, we have sought to promote economic growth and development with particular attention to reducing the inequalities between us and within our nations, and to improving our capacities to fulfil common purposes and exercise more effective and responsible stewardship of our natural and planetary resources. Above all, we have sought to fulfil, individually and collectively, our peoples' aspirations to live in peace and to enjoy in fullness, lives that are rich and diverse, and ever more stable and secure";[7]

(c) The opening line of the outcome document of the United Nations Conference on Sustainable Development, "The future we want", is an implicit

[4] See Section VI, A/HRC/21/44, 10 August 2012, for the report by the Independent Expert on the outcomes of these conferences and meetings.

[5] TD/500/Add.1.

[6] TD/500/Add.2.

[7] Ibid., para. 1.

affirmation of the spirit and principle of international solidarity, renewing the commitment of Heads of State and Government and high-level representatives to sustainable development. The document, notably, refers to the "full participation of civil society" and to "ensuring the promotion of an economically, socially and environmentally sustainable future for our planet and for present and future generations".[8] It is this same spirit of international solidarity that suffuses the principle of common but differentiated responsibilities set out in principle 7 of the Rio Declaration on Environment and Development. The essence of international solidarity is implicit throughout the outcome document of the Conference on Sustainable Development in its references to partnerships and cooperation, particularly in the attainment of the Millennium Development Goals, together with the need to strengthen international cooperation to address the challenges related to sustainable development. The outcome document emphasizes that sustainable development requires the engagement and action of a "broad alliance of people, governments, civil society and the private sector, all working together to secure the future we want for present and future generations".[9]

VI. Conclusion

57. **In the present report, the Independent Expert has provided a concise introduction to the mandate of human rights and international solidarity, the first report to the General Assembly on this mandate. More importantly, the report summarizes a considerable number of the elements that will inform the content of the draft declaration on the right of peoples and individuals to international solidarity. Owing to the word limits for United Nations documents, the report does not include numerous details supporting these elements as culled from varied sources. However, the Independent Expert has indicated where these sources may be found.**

58. **Currently, the Independent Expert is in the process of consolidating and analysing information and research data in preparation for the elaboration of the draft declaration on the right of peoples and individuals to international solidarity, which she, upon her appointment, pledged to submit to the Human Rights Council for its consideration by 2014. The Independent Expert presently finds herself straddling stage two and stage three in her workplan described in the summary to the present report, that is, analysing at the same time as writing the preliminary text of the draft declaration as requested by the Council. She aims to complete this work by the end of August 2013. This will allow for sufficient time to circulate the preliminary text to Member States, the Human Rights Council Advisory Committee and other stakeholders, including non-governmental organizations, special procedures mandate holders, academics and other actors, with a view to eliciting comments prior to finalizing the draft declaration on the right of peoples and individuals to international solidarity.**

[8] See resolution 66/288, annex, para. 1.

[9] Ibid., para. 13.

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Item 69 (b) of the provisional agenda*
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Globalization and its impact on the full enjoyment of all human rights

Report of the Secretary-General

Summary

The present report is submitted in response to General Assembly resolution 67/165, in which the Assembly requested the Secretary-General to continue to seek further the views of Member States and relevant agencies of the United Nations system and to submit to the Assembly at its sixty-eighth session a substantive report on the subject based on those views, including recommendations on ways to address the impact of globalization on the full enjoyment of all human rights. The present report summarizes the views received from the Governments of Azerbaijan, Cameroon, Columbia, Cuba, Guatemala, Iraq, Lebanon, Mauritius, Oman, Thailand, Ukraine and Venezuela (Bolivarian Republic of), as well as from the Food and Agriculture Organization of the United Nations, the International Labour Organization, the International Telecommunication Union and the World Meteorological Organization. It concludes by identifying common themes and making recommendations on how to address the impact of globalization on the full enjoyment of all human rights.

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I. Introduction

1. In its resolution 67/165, the General Assembly took note of the report of the Secretary-General on globalization and its impact on the full enjoyment of all human rights (A/67/163) and requested the Secretary-General to continue to seek further the views of Member States and relevant agencies of the United Nations system and to submit to the Assembly at its sixty-eighth session a substantive report on the subject based on those views, including recommendations on ways to address the impact of globalization on the full enjoyment of all human rights.

2. Pursuant to that request, the Office of the United Nations High Commissioner for Human Rights (OHCHR) sent a request on 26 March 2013 to Member States and relevant agencies of the United Nations system for their views on the issue. As of 4 July 2013, OHCHR had received responses from the Governments of Azerbaijan, Cameroon, Columbia, Cuba, Guatemala, Iraq, Lebanon, Mauritius, Oman, Thailand, Ukraine and Venezuela (Bolivarian Republic of),[1] as well as from the Food and Agriculture Organization of the United Nations (FAO), the International Labour Organization (ILO), the International Telecommunication Union (ITU) and the World Meteorological Organization (WMO).[2] The responses are summarized below.

II. Replies received

A. Member States

Azerbaijan

3. The Government of Azerbaijan[3] described globalization as a political, legal, economic and social process with widespread human rights implications and called for fair globalization. In that regard, Azerbaijan made reference to its own efforts to eradicate poverty through social welfare programmes and the promotion of sustainable growth as well as to its active role in the establishment of the Food Safety Institution of the Organization of Islamic Cooperation. In addition, Azerbaijan emphasized the importance of regulating migration processes and guaranteeing the full protection of migrants' rights in an increasingly globalized world. Azerbaijan asserted that it has taken measures in cooperation with other States and international organizations aimed at the legalization of migrant workers and the promotion of legal migration. The Republic of Azerbaijan has signed bilateral agreements in cooperation with Belarus, Kazakhstan, Kyrgyzstan, the Republic of Moldova and Ukraine, which are designed to protect migrant workers' rights and simplify employment procedures. In the context of migration, Azerbaijan also actively works to ensure the protection of the rights of its own citizens and the development of international legal frameworks for migration, asylum, visas and voluntary return.

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[1] The submission of the Bolivarian Republic of Venezuela was received pursuant to General Assembly resolution 66/161, after the deadline for inclusion in the 2012 report. That submission is therefore included in the present report.

[2] The texts of the original submissions are on file with the Secretariat and are available for consultation.

[3] The Government of Azerbaijan sent three separate submissions, which are synthesized here.

Cameroon

4. The Government of Cameroon stated that globalization has reinforced inequality between countries and has important economic, environmental and social impacts. It has weakened countries, rendering them vulnerable to such economic shocks as the 2008 financial crisis. It also stated that the financial crisis continues to have major economic, social, cultural, environmental and human rights impacts in Cameroon, where the resulting slow-down in economic activity has led to higher costs of living and increased unemployment. As a result, enjoyment of the rights to development, health and social security has been compromised for some people in Cameroon. In order to prevent such negative impacts on the full enjoyment of human rights, Cameroon recommended the effective implementation of the right to development, a structural reform of the financial system and improved global governance.

Colombia

5. The Government of Colombia stated that development cannot occur through economic growth alone but must also include an equitable sharing of its benefits. Social development and equality of opportunity are necessary for the creation of a more productive, healthy and educated society. In order to deal with the impacts of globalization on the full enjoyment of human rights, Colombia therefore finds it essential to examine the role of social determinants on that enjoyment. Transformative social change is necessary in order for the entire population of Colombia to be able to improve its quality of life and fully enjoy its human rights.

6. In order to achieve such a change, Colombia has designed a two-prong strategy for applying and promoting human rights. First, it is pursuing the eradication of poverty in all its dimensions. For that purpose, Colombia has developed a multidimensional poverty index that incorporates education, access to work, access to health, housing conditions and other relevant factors. Second, Colombia is working to reduce inequality and to promote equal opportunity for marginalized and disadvantaged groups and individuals. Efforts include providing employment opportunities, safeguarding plans for indigenous communities and designing a gender policy to promote gender equality. In addition, Colombia is taking measures to protect the environment, promote sustainable development and increase access to information and communication technologies.

Cuba

7. The Government of Cuba stated that the United Nations, in particular the General Assembly, should be the forum for addressing the process of globalization because it is the most universal and representative body. According to Cuba, globalization has had a significant impact on the global economy, resulting in the progressive reduction of the voice of vulnerable countries, the destruction of the cultural identities of vulnerable peoples and environmental deterioration. While globalization could be a positive force for change, the current unequal distribution of the costs and benefits of globalization between developed and developing countries exacerbates the challenges faced by developing countries. Cuba lamented that, well into the twenty-first century, hundreds of millions of people are unable to satisfy their basic needs. The financial crisis has worsened the situations of millions

of people and reduced the ability of States to provide basic public services and to protect economic, social and cultural rights.

8. Cuba believes that the global economic crisis, war, the carbon-based economy, environmental harm and poor health all reflect systemic flaws in the process of neoliberal globalization. The process constitutes a form of neocolonialism by transnational corporations and developed economies that supports unsustainable patterns of production and consumption. In developing countries, the resulting negative environmental impacts are directly linked to poverty. Cuba noted that insufficient measures have been taken to appropriately promote the potential benefits of globalization by, for example, facilitating migration and technology transfer.

9. In order to address such issues, Cuba called for the establishment of development as a central element of the international economic agenda with the objectives of eradicating poverty and eliminating inequality. Cuba is convinced that if the political will existed in developed countries, they could promote the rights to life and development for millions of people with relatively few resources. In that regard, Cuba highlighted the importance of development assistance, special and differential treatment for developing countries, the replacement of international financial institutions, and the democratization and reform of the United Nations itself.

Guatemala

10. The Government of Guatemala reported on its actions to create a favourable environment for sustainable and equitable development in an increasingly globalized world. Guatemala stated that globalization is an independent process driven by economic growth, technology and human connectivity. The peace accords that ended Guatemala's internal armed conflict were developed under the framework of globalization, which can improve the economy and promote respect for human rights, protection of the environment and respect for cultural diversity. However, globalization can affect each country differently and renders States vulnerable to both positive and negative impacts. In addition to being an economic process of growing interdependence between States, globalization has social, political, environmental, cultural and legal dimensions that can affect the enjoyment of human rights. According to Guatemala, globalization and the increasing concentration of wealth in the hands of a few are a threat to efforts to eradicate poverty. Negative impacts include the exploitation of natural resources in poor countries and the resulting harm to the environment.

11. Despite the global financial crisis, Guatemala's economy has continued to grow, and it is the leading economy in the Central American region. Guatemala intends to continue to grow by creating an environment attractive to foreign investment and by combating poverty and structural inequalities. Its programmes to fight hunger, protect the life and property of its citizens, generate employment and increase public financing are designed to protect its population against the potential negative impacts of globalization. Specific programmes are in place to help children, older persons, persons affected by disasters and those living in extreme poverty.

12. Guatemala is also very aware of the increasing levels of migration into and out of Guatemala. For that reason, it has developed a variety of programmes to protect

and assist Guatemalans, in particular those migrating to Mexico and the United States of America, countries where Guatemala engages in regular advocacy on behalf of migrants. Finally, Guatemala is concerned by the potential negative environmental impacts of globalization, resource exploitation and fossil fuel consumption. Its Ministry of Environment is therefore developing and implementing various programmes to protect and preserve the environment and maximize the use of resources. Through those various measures, Guatemala hopes to mitigate the potential negative impacts of globalization, especially on its most vulnerable populations.

Iraq

13. The Government of Iraq stated that globalization can have a significant impact on economic, social and cultural rights, and that its positive and negative consequences can influence the full enjoyment of human rights. This presents a challenge for all countries; it is therefore important to use every resource and means available to preserve human rights and to guarantee that they are respected in all States. According to Iraq, the United Nations has a duty to ensure the freedom of commercial exchanges between countries, in particular as it relates to the right to food. Iraq suggests that the United Nations place a priority on programmes that are designed to increase access to food and to end the fight against hunger.

14. Iraq describes globalization as a two-way process in which all States should cooperate to protect human rights while also respecting each other's social and cultural diversity. In that context, Iraq cautioned against power imbalances in international bodies and mechanisms that permit some States to exercise more power during decision-making processes, leading to a situation where human rights are not respected and globalization can have negative impacts. For example, the 2008 financial crisis had negative impacts on human rights, including with regard to access to food, privacy and individual rights.

Lebanon

15. The Government of Lebanon stated that it pays particular attention to the impacts of globalization on people and their rights, including the rights of women, children and disabled persons. As a consequence of globalization, women are increasingly moving in search of educational and employment opportunities, with the resulting need for an expanded focus on women's rights. On 12 June 2012, the Ministry of Social Affairs of Lebanon adopted a national strategy for women, which includes special programmes for the protection of their rights. Lebanon has also designed programmes to protect children's rights and fight child abuse; and to protect disabled people and improve the social programmes that assist them.

Mauritius

16. The Government of Mauritius observed that its economy has grown in recent years despite the global economic crisis; however, competition spurred by globalization makes it difficult for young people, in particular the poor and those without adequate training and education, to find employment. Mauritius has therefore established the elimination of extreme poverty, and poverty in general, as top priorities. Mauritius has made major strides through its national development process, which emphasizes, inter alia, child and family development, education,

social housing, economic empowerment and vocational training. Mauritius has implemented specific measures designed to eradicate extreme poverty and hunger, achieve universal primary education, promote gender equality, empower women and expand the global partnership for development.

17. In particular, Mauritius reported significant progress towards achieving the Millennium Development Goals and described the outcome of its national consultation process for the post-2015 development agenda. Mauritius also described a variety of programmes and development plans designed to promote sustainable development, including a corporate social responsibility tax with proceeds dedicated to development projects.

Oman

18. The Government of Oman emphasized the importance of heeding all of the consequences of globalization, not just its economic impacts. Oman called for the full enjoyment of all human rights to be realized in a manner that respects State sovereignty and diverse social and cultural norms. In Oman, it is critical that the rights of men and women are respected in their totality and in the context of the family values, children's rights and inheritance laws that define the culture of the country. Oman highlighted the importance of preventing globalization from having a negative impact on human rights and on social and cultural norms. Oman also called for a dialogue on the impacts of development and globalization on State security and equality for all.

Thailand

19. The Government of Thailand stated that globalization affects different groups of people in society differently but that its negative impacts are heightened in developing countries, where poverty is prevalent. For Thailand, globalization produces not only economic opportunities but also social and environmental challenges, which can affect the full enjoyment of human rights. The negative impacts of globalization can include growing inequality and the violation of the rights of migrant workers and other vulnerable groups. Thailand has developed a number of initiatives to address the negative impacts of globalization and ensure the equitable sharing of its benefits. The measures have addressed issues such as the promotion of corporate social responsibility, the promotion of the rights of migrant workers, especially female migrant workers, and the reduction of income inequality. According to Thailand, globalization may deepen income inequality and adversely affect the enjoyment of human rights. Thailand addresses structural inequality by ensuring the fair distribution of land and resources, providing social security to all groups and empowering local communities to participate in their own management, including through the protection of their rights to a clean environment and the preservation of their cultures. By doing so, Thailand seeks to ensure that globalization is inclusive and equitable, and has a human face.

Ukraine

20. The Government of Ukraine observed that globalization forces diverse cultures to coexist and that it can have significant cultural impacts. Because of its multicultural population, Ukraine pays special attention to the protection of human rights, in particular the cultural rights of minorities. Ukraine's policies promote

harmonious development, tolerance, and equal economic, social and political opportunities, regardless of gender, ethnicity, race, origin, social status, religious beliefs, language or place of residence. For example, Ukraine has developed a strategy for the protection and integration of the Roma minority into Ukrainian society. In addition, the State Migration Policy of Ukraine includes measures to combat racism, xenophobia and religious intolerance, and to promote tolerance towards migrants.

Venezuela (Bolivarian Republic of)

21. The Government of the Bolivarian Republic of Venezuela stated that human rights formed a central component of its Constitution and that it was guided by the principles of honesty, participation, transparency, accountability and efficiency. According to the Bolivarian Republic of Venezuela, the impacts of globalization on human rights include impacts in the development sphere, where the global financial crisis threatens efforts to improve people's lives in developing and developed countries alike. The Bolivarian Republic of Venezuela urged that efforts to mobilize resources in response to the crisis must work to combat poverty, improve quality of life and promote sustainable development, and that developing countries should not pay for the mistakes of developed countries. For that reason, the Bolivarian Republic of Venezuela called for a shift from the neoliberal economic model that produces growing inequality and strips countries of sovereignty over their natural resources to a new people-centred development paradigm designed to eradicate poverty and hunger, champion the rights of the marginalized and disadvantaged, and promote human rights, including the right to development.

22. The objective of the Bolivarian Republic of Venezuela is to implement a social policy that eradicates poverty and promotes social inclusion, in order to guarantee human dignity. To that end, the Bolivarian Republic of Venezuela employs a multidimensional concept of poverty that measures inequality in the political and social spheres in addition to economic inequality. In order to fight against all forms of poverty, the Government has developed programmes called "social missions", which are designed to promote the rights of the marginalized and disadvantaged through various forms of State assistance. As a result of the programmes, the Bolivarian Republic of Venezuela claims to have drastically reduced its poverty rate and achieved the most equal society in the region.

23. However, the Bolivarian Republic of Venezuela remains concerned about the issue of food security, calling for the reform of the World Trade Organization and the elimination of its neoliberal policies that threaten food security in developing countries. Similarly, and in response to the financial crisis, the Government called for the reform of the international financial system and the Bretton Woods institutions, and believes that economic and financial policymaking should take place in the General Assembly and not in the Group of 20. For its own part, the Bolivarian Republic of Venezuela has taken action through its social missions and national development plans to protect its citizens from the impacts of the financial crisis. In addition to providing economic and social relief for the disadvantaged and marginalized, the policies are designed to promote the active involvement and participation of Venezuelans in deciding their own future. In that regard, the Government notes that the issue of corporate responsibility is increasingly important, especially given the proliferation of bilateral investment treaties

protecting investor rights, and called for active measures to be taken to guarantee the compliance of all businesses with their human rights obligations.

B. United Nations organizations

Food and Agriculture Organization of the United Nations

24. FAO stated that its activities are dedicated to promoting fair globalization and sustainable development. It works with multilateral mechanisms, States and other relevant actors to provide technical and policy support in the areas of food, agriculture, rural development and the sustainable use of natural resources, with the overarching objective of fighting hunger and malnutrition. FAO promotes a right-to-food approach in development policies. A significant part of its work relates to the drafting of international treaties pertaining to food and agriculture. That work involves globalizing international best practices and is guided by human rights law and the principle of sustainable development. The principle of sustainable development and its three pillars, namely, economic, environmental and social development, guide the work of FAO in providing assistance to its member countries on agricultural production and for the management and use of natural resources, including water, forests, land and fisheries.

25. FAO described several of its programmatic activities and publications relevant to the right to food, globalization and sustainable development. For example, FAO provides platforms for dialogue and the development of standards through its Committee on World Food Security, which developed the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security and the Global Strategic Framework for Food Security and Nutrition. FAO also worked with other international organizations to develop and promote principles for responsible agricultural investment and works with development banks to integrate social analysis in the design, supervision and development of rural development projects. FAO activities at the State level include integrating social impact analysis in relevant legislation, implementing activities to promote fair globalization and sustainable development in Kenya and the United Republic of Tanzania, and promoting market access and access to credit for small farmers.

International Labour Organization

26. ILO submitted a list of its recent publications relevant to globalization and human rights, including: *General Survey on the Fundamental Conventions concerning Rights at Work in Light of the ILO Declaration on Social Justice for a Fair Globalization, 2008: Giving Globalization a Human Face; Fundamental Principles and Rights at Work: From Commitment to Action*, prepared for a recurrent discussion under the ILO Declaration on Social Justice for a Fair Globalization and the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (International Labour Conference, June 2012); and *World of Work Report 2012: Better Jobs for a Better Economy*. In addition, it referred to the 2004 report of the World Commission on the Social Dimension of Globalization entitled *A Fair Globalization: Creating Opportunities for All*.

International Telecommunication Union

27. The International Telecommunication Union observed that many people experienced globalization for the first time through the use of information and communications technology. ITU monitors the international digital divide; however, its work also extends to sustainable development, including through the participation of an ITU delegation at the United Nations Conference on Sustainable Development held in Rio de Janeiro, Brazil, from 20 to 22 June 2012, and its leadership of the Dynamic Coalition on Internet and Climate Change. ITU also commented that access to information and communication technologies is basic to the human rights of freedom of opinion and expression even though there remains some controversy over whether or not there is a right to, for example, broadband access. ITU has actively fostered debate over that issue and claims that while there is widespread agreement on communication being a human need, as well as a fundamental right, there is not such agreement over whether or not the right to communicate can be tied to any particular technology or means of access. If access to broadband is a fundamental right, girls and women should enjoy the same rights of access to the global information society that boys and men do. For that reason, ITU is actively engaged in promoting gender equality in respect of access to the Internet. As a whole, ITU seeks to ensure that the impact of globalization is fair and that the use of information and communications technology contributes to sustainable development and the enjoyment of human rights equally by all people everywhere.

World Meteorological Organization

28. The World Meteorological Organization believes that the globalization of the economy, of finance, of the movements of people and of ideas plays a key role in matters related to weather, climate and water, as elements of both the biophysical environment and the discussion on ways and means to progress towards the achievements of the internationally agreed development goals. Globalization can be both beneficial to humanity and harmful to it. WMO aims to exploit the benefits of globalization while limiting the harm, in order to advance the ability of people to fully enjoy their human rights, including the rights to life, food, water and energy. WMO observed that urbanization, climate change, extreme weather events and the elimination of traditional agricultural and pastoral practices are the results of globalization that have potential negative impacts on human rights.

29. However, globalization has also produced technological advances that permit improved drought predictions and resilience, risk reduction and disaster management. In its work in the fields of weather, climate and water, WMO aims to ensure that the science and information services made possible by worldwide cooperation contribute to the enjoyment of human rights by countering the negative impacts of globalization. For example, the Intergovernmental Panel on Climate Change of the WMO/United Nations Environment Programme provides invaluable assessments to policymakers responsible for guiding humanity's response to human-induced climate change, and the recently established Global Framework for Climate Services improves climate service delivery in four priority areas, namely, disaster risk management, water management, health, and agriculture and food security. WMO also works extensively on drought risk management and is pursuing innovative tactics, including public-private partnerships such as the one employed to

develop a telecommunications-based early warning system for extreme weather events in Lake Victoria.

III. Conclusions and recommendations

30. **The present report summarizes responses from States and relevant agencies of the United Nations system regarding globalization and the enjoyment of human rights. All respondents agree that globalization is a process having important human rights implications and economic, social, cultural, political, environmental, intellectual, technological and legal dimensions. Responses indicate that globalization poses both opportunities for, and challenges to, the full enjoyment of human rights. Respondent States expressed their concerns about, among other issues, migration, threats to cultural diversity, international power imbalances and the failure of democratic governance, corporate social responsibility, climate change and the environment, food security and growing inequality.**

31. **Most State respondents emphasized the importance of investment in social welfare programmes to protect their citizens against the potential negative impacts of globalization. The programmes typically focused on improving access to education, training, health care and basic necessities among marginalized and disadvantaged groups and individuals. In the context of the enjoyment of human rights, some State respondents suggested strategies and measures to protect their countries against the negative impacts of the financial crisis and the neoliberal form of globalization.**

32. **Respondent agencies of the United Nations system summarized their efforts to protect the full enjoyment of human rights in the context of globalization. They described specific measures and policies designed to promote the rights to food, freedom of expression and gender equality in Member States. They emphasized the need to leverage the positive aspects of globalization, technological advances, information-sharing and multilateral cooperation in addressing the potential negative impacts related to, for example, climate change, food security and urbanization.**

33. **There is a growing call from States to take measures to ensure protection against the potential negative impacts of globalization and to ensure the equitable distribution of its benefits. Domestic programmes designed to provide basic levels of social protection are critical to such efforts; however, in a globalizing world, international cooperation is also essential. Recommendations for the mitigation of negative impacts on the full enjoyment of human rights included the effective implementation of the right to development, structural reform of the financial system and improved global governance. Where possible, the agencies of the United Nations system should provide technical support and multilateral platforms for dialogue in order to identify, promote and elaborate upon measures and technology that can equitably distribute the benefits of globalization while mitigating its negative impacts on the full enjoyment of human rights.**

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Violence against women migrant workers

Report of the Secretary-General

Summary

The present report, submitted pursuant to General Assembly resolution 66/128, focuses on the problem of violence against women migrant workers, specifically with regard to their access to justice. It highlights the impact on women migrant workers of legislation, policies and programmes implemented by Member States and concludes with recommendations for future action.

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I. Introduction

1. In its resolution 66/128 on violence against women migrant workers, the General Assembly requested the Secretary-General to provide a comprehensive, analytical and thematic report to it at its sixty-eighth session on the problem of violence against women migrant workers and on the implementation of the resolution, specifically with regard to access to justice for women migrant workers, highlighting the impact of legislation, policy and programmes on such workers. It called upon Governments to take measures to protect women migrant workers and provide assistance to them to prevent violence, enhance access to justice, improve data collection and enhance bilateral, regional, interregional and international cooperation.

2. The present report, which responds to the call for action contained in that resolution, covers the two-year period from July 2011 to June 2013 following the submission of the previous report on this topic (A/66/212). It incorporates submissions from 19 Member States,[1] 5 United Nations entities[2] and the International Organization for Migration (IOM). It draws on concluding observations, general recommendations and comments of human rights treaty bodies, reports by special procedures mandate holders of the Human Rights Council and other relevant sources.

3. The present report provides the context within which the issue of violence against women migrant workers may be considered, summarizes measures taken by Member States, the United Nations system and IOM to implement General Assembly resolution 66/128 and draws conclusions and makes recommendations for preventing violence against women migrant workers and assisting them in gaining access to justice.

II. Context

4. Women's international migration is a significant global phenomenon. Women constitute approximately half of the 214 million people who live and work outside their countries of birth and a large proportion of the 740 million who migrate within their countries.[3] Data from 2010 suggest that women constitute 52 per cent of international migrants in Europe, 51 per cent in Oceania, 50 per cent in Latin America, the Caribbean and North America, 47 per cent in Africa and 45 per cent in

[1] Fourteen submissions received by 7 June 2013 (from Argentina, Belgium, Brazil, Colombia, Cyprus, Greece, Ireland, Italy, Japan, Lebanon, Namibia, Poland, Singapore and Ukraine) and five submissions received after the deadline for submission for the previous report (A/66/212) (from Denmark, the Dominican Republic, Guatemala, the Niger and Peru).

[2] The International Labour Organization, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the United Nations Office on Drugs and Crime and the United Nations Entity for Gender Equality and the Empowerment of Women.

[3] See *Human Development Report 2009: Overcoming Barriers — Human Mobility and Development* (United Nations publication, Sales No. E.09.III.B.1).

Asia.[4] A total of 93 per cent of international migration and much internal migration is carried out to improve opportunities to gain access to decent livelihoods.[5]

5. Migration can enable equitable, inclusive and sustainable growth and human development for countries of origin and destination, migrants and their families. Remittances to developing countries, which reached an estimated $406 billion in 2012, are three times the size of official development assistance and are expected to continue growing.[6] Available data illustrate that women migrant workers often save and remit a larger proportion of their lower earnings than men migrant workers and do so more regularly and consistently. Their remittances are normally invested in family well-being, food, shelter, health care, education, small businesses and coping with crises, thus contributing to human capital formation, job creation and entrepreneurship, poverty reduction and greater resilience in crises.[7] Diaspora investments and women's social remittances that include a transfer of ideas, values, skills and knowledge also contribute to social and economic development in countries of origin. Migration can enhance women's agency at the household and community levels and the capacity to influence national, regional and global policy processes through engagement with migrant workers' organizations and can transform gender relations.[8]

6. The opportunities that migration offers for women's empowerment, family well-being and social and economic development hinge, however, on the alignment of policies and institutional and public responses to women migrant workers with international human rights standards embodied in international human rights treaties, including International Labour Organization (ILO) instruments.

7. Many women migrant workers face discrimination, violence and exploitation at all stages of migration. Research points to discrimination, vulnerability and abuse based on economic, gender, ethnic and immigration status, among other factors.[9] Their lack of access to full and reliable information on legal channels of migration

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[4] See the wallchart on international migration policies for 2013, prepared by the Population Division of the Department of Economic and Social Affairs of the Secretariat. Available from www.un.org/en/development/desa/population/publications/pdf/policy/InternationalMigrationPolicies2013/InternationalMigrationPolicies2013_WallChart.pdf.

[5] See Dilip Ratha, World Bank, "Leveraging migration and remittances for development", presentation made at the Global Migration Group symposium entitled "Migration and youth: harnessing opportunities for migration and development", New York, 17 May 2011. Available from www.globalmigrationgroup.org/uploads/news/2011-symposium/Migration_and_Youth_Ratha.pdf.

[6] According to the World Bank, global remittance flows, including those to high-income countries, stood at an estimated $513 billion in 2011. They are forecast to reach $623 billion by 2014, of which $467 billion will flow to developing countries.

[7] UN-Women and UNDP, "Migration, remittances and gender-responsive local development: case studies of Albania, the Dominican Republic, Lesotho, Morocco, the Philippines and Senegal" (2010). Available from www.unwomen.org/resources. See also the *2004 World Survey on the Role of Women in Development: Women and International Migration* (United Nations publication, Sales No. E.04.IV.4), available from www.un.org/womenwatch/daw/public/WorldSurvey2004-Women&Migration.pdf.

[8] See the background paper entitled "Protecting migrant domestic workers — enhancing their development potential", prepared by Jean d'Cunha and Gloria Moreno-Fontes Chammartin for round table 3.3 of the Global Forum on Migration and Development, held in Mauritius in 2012. Available from www.gfmd.org/documents/mauritius/gfmd12_mauritius12_rt_3-3-background_paper_en.pdf.

[9] See Jayati Ghosh, "Migration and gender empowerment: recent trends and emerging issues", UNDP Human Development Research Paper, No. 2009/4 (April 2009). Available from http://hdr.undp.org/en/reports/global/hdr2009/papers/HDRP_2009_04.pdf.

and terms and conditions of work makes them vulnerable to unscrupulous recruiting agents and traffickers and puts them at risk of physical, emotional and sexual violence at the hands of recruiting agents, employers and public officials, in addition to hindering access to justice for survivors of violence.

8. That policy and legal frameworks, programmes or trained personnel to facilitate women's regular migration and reduce the incidence of irregular migration are lacking or insufficient contributes to women's vulnerability in the migration process. Various factors may drive women to smuggling networks to facilitate irregular movement, including the high costs of migration, bureaucratic procedures, bans or restrictions on women's out-migration, a lack of independent migration opportunities for women and regular entry channels, demographic trends and labour market needs in countries of destination. Irregular movement may increase vulnerability to trafficking. Discriminatory immigration laws, such as visa sponsorship systems that tie workers to particular employers for the contract term, inadequate labour law coverage for certain categories of women's work, such as domestic work, and irregular status may cause women to be vulnerable to highly exploitative, abusive working conditions.

9. Abusive working conditions are characterized by forced labour,[10] disproportionately low wages, exclusion from minimum wage coverage,[11] excessively long hours of work, insufficient rest periods and leave[12] and restrictions on movement and association. In addition, women migrant workers, especially if undocumented, are often marginalized from access to basic services, protection and assistance, including in crises. They face detention, often in abusive situations, arbitrary deportation and legal and practical barriers to enjoying fundamental human rights and obtaining justice.

10. Other factors that aggravate access to justice by women migrant workers may include gender bias in legislation, inadequate provision for monitoring, complaints and dispute resolution mechanisms and discriminatory legal processes, including discriminatory attitudes on the part of security and justice personnel that may revictimize survivors of violence. In addition, women migrant workers often lack information on and access to security and justice institutions, mechanisms and services. In many cases, they abstain from reporting abuse because they fear detention, deportation and maltreatment by public authorities. This is especially the case when a migrant is undocumented, her freedom of movement is restricted, her language skills are inadequate or if she lacks work and adequate shelter.

11. Women migrant workers face violence and discrimination in their countries of origin and destination. In countries of destination, increasing anti-immigrant sentiments, prompted partly by the global economic crisis, are contributing to xenophobia, discrimination and violence against migrants, including women migrants. Inadequate and gender-blind reintegration services and stigmatization by

[10] Recent ILO estimates on forced labour indicate that, of a total of 20.9 million forced labourers globally, 14.2 million (68 per cent) are victims of forced labour exploitation in key economic sectors, such as agriculture, domestic work, construction and manufacturing. In many countries, women predominate in the first two sectors.

[11] According to ILO, some 43 per cent of women migrant workers are not included in the minimum wage coverage where it exists for other workers.

[12] According to ILO, roughly half of the world's domestic workers do not enjoy the right to a weekly rest day or limitation of their weekly working time.

families and communities in some situations may revictimize women migrant workers upon their return to their countries of origin.

12. The human rights and human development aspects of women's migration are not yet adequately integrated into national, regional and international development policy and practice, such as poverty reduction strategies and the Millennium Development Goals. This state of affairs constrains the full recognition and maximization of contributions by migrant women workers to development, their protection from violence and their access to assistance and justice.

III. Measures reported by Member States

13. In their contributions to the present report, Member States highlighted a range of measures taken to combat violence and discrimination against women migrant workers, including efforts to adhere to the provisions of international instruments, enhance national legislation, improve policies, collect data, undertake research, put in place preventive measures and measures to protect and assist victims of violence, such as access to justice, and establish bilateral and multilateral cooperation. Noting the links between violence and discrimination against women migrant workers and trafficking in women and girls, States also provided information on anti-trafficking policies and programmes.[13]

A. International instruments

14. A robust international legal framework guides States, including in terms of their bilateral and multilateral collaboration to protect women migrant workers. Since the 2011 report (A/66/212), the number of States parties to international instruments relevant to tackling violence and discrimination against women migrant workers has increased. As at 21 June 2013, 176 States had ratified or acceded to the United Nations Convention against Transnational Organized Crime (up from 161 in 2011), 156 States had ratified or acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (up from 144 in 2011), and 137 States had ratified or acceded to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (up from 127 in 2011). Of the reporting States, Argentina, Belgium, Brazil, Colombia, Cyprus, Denmark, the Dominican Republic, Greece, Guatemala, Ireland, Italy, Lebanon, Namibia, the Niger, Peru, Poland, Singapore and Ukraine have ratified the Convention.

15. The Trafficking in Persons Protocol has been ratified by Argentina, Belgium, Brazil, Colombia, Cyprus, Denmark, the Dominican Republic, Greece, Ireland, Italy, Lebanon, Namibia, the Niger, Peru, Poland and Ukraine, while Guatemala has acceded to it.

16. The Smuggling of Migrants Protocol has been ratified by Argentina, Belgium, Brazil, Cyprus, Denmark, the Dominican Republic, Greece, Guatemala, Italy,

[13] Separate reports of the Secretary-General on trafficking in women and girls have been submitted to the General Assembly every two years, most recently at its sixty-seventh session (see A/55/322, A/57/170, A/59/185 and Corr.1, A/63/215, A/65/209 and A/67/170).

Lebanon, Namibia, the Niger, Peru, Poland and Ukraine. Ireland is a signatory to the Convention, while Japan is a signatory to the Convention and the Protocols thereto.

17. As at 21 June 2013, 46 States were parties to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (up from 44 in 2011). Some States contributing to the present report are parties to relevant ILO conventions. Brazil, Cyprus, Guatemala and Italy are parties to the Migration for Employment Convention (Revised), 1949 (No. 97); Argentina, Belgium, Brazil, Cyprus, Denmark, the Dominican Republic, Greece, Guatemala, Ireland, Italy, Lebanon, Namibia, the Niger, Peru, Poland and Ukraine are parties to the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Cyprus and Italy are parties to the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); and Belgium, Italy, Japan and Poland are parties to the Private Employment Agencies Convention, 1997 (No. 181).

18. On 16 June 2011, the General Conference of the International Labour Organization adopted an international instrument of critical significance for migrant women workers: the Domestic Workers Convention, 2011 (No. 189). The Convention proposes measures to protect and promote the labour and human rights of domestic workers. It will enter into force on 5 September 2013. As at 21 June 2013, eight countries had ratified the Convention.

19. Adherence to regional instruments tackling violence against women can also contribute to preventing and combating violence against women migrant workers. For example, Belgium, Greece, Italy and Poland have signed the Council of Europe Convention on preventing and combating violence against women and domestic violence. It will enter into force after ratification by 10 countries. Singapore is working with States members of the Association of Southeast Asian Nations (ASEAN) to conclude an instrument on implementing the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, targeted for completion by 2015.

B. Legislation

20. A number of States have in place a spectrum of legal measures that can be used to protect women migrants, women migrant workers, undocumented women migrants and asylum seekers from violence and discrimination. States' protective legal measures, including constitutional law and legislation governing discrimination, employment, equal treatment and equal opportunities, worker injury compensation and statelessness, can offer protection to women migrant workers, as noted by Argentina, Belgium, Brazil, Colombia, Cyprus, Italy, Namibia, Poland, Singapore and Ukraine. Argentina has migration laws that protect migrant workers, including women, on par with other workers.

21. Similarly, provisions in penal codes that address sexual harassment, rape, sexual exploitation and domestic violence may also offer protection for women migrant workers, as noted by Japan and Namibia.

22. States (Argentina, Brazil, the Dominican Republic, Greece, Guatemala, Italy, Lebanon, Namibia, the Niger, Poland and Singapore) reported laws and measures that protect women, including women migrant workers, against sexual harassment, including at work, and against rape, stalking, domestic violence, slavery and human

trafficking. Such laws may also include provisions to assist victims and survivors. Brazil is in the process of passing a law that would provide victims of human trafficking with access to unemployment insurance and the National Immigration Council has passed a resolution to provide victims of trafficking with temporary or permanent visas. States, including Italy, note that they are seeking to address, through legal measures, the specific concerns of migrant women survivors of domestic violence whose residence status depends on that of their spouse or partner by providing them with independent residence permits when the relationship ends.

23. Labour laws that comply with international labour and human rights standards can effectively protect women migrant workers against exploitation and violence. Some States (Argentina, Colombia and Singapore) reported labour legislation that protects domestic workers, including migrant domestic workers, on par with other workers. Argentina and Colombia have amended their legislation to improve the rights of domestic workers. Argentina also reported on provisions that strengthen the protection of migrant workers by regulating such aspects as maximum working hours, rest periods, paid vacations, salary, maternity leave and access to social security. In Singapore, the Employment Act provides maternity leave coverage for all women employees, including foreign domestic workers, regardless of nationality, with strong penalties for breaches. The Employment of Foreign Manpower Act explicitly includes domestic workers and requires employers to purchase medical insurance for them. Foreign domestic workers are also protected under the Penal Code of Singapore.

24. Regulations for recruiting agencies serve to enhance accountability and can prevent or protect women migrant workers from abuse. States, including Cyprus, Poland and Singapore, reported regulations for recruitment agencies and employers, including sanctions for abuse of migrant workers.

25. Some States described the legal and administrative measures in place to protect asylum seekers, refugees and undocumented migrants against violence and discrimination. Argentina described a regularization programme for undocumented migrants. Italy has in place measures that do not require public officials to report undocumented migrants to the authorities and is engaged in efforts to combat organized crime exploiting that population. Poland reported integration programmes for foreigners who have been granted refugee status or subsidiary protection and a provision whereby undocumented workers can claim unpaid remuneration and related benefits.

26. Of the reporting States, only Argentina, Namibia and Poland reported quantitative data to illustrate the impact of their laws. Argentina naturalized some 500,000 people from 2006 to 2010. Poland noted that, in 2012, 154 persons granted refugee status and 256 persons granted subsidiary protection received social assistance. In Namibia, as a result of the Combating of Domestic Violence Act, passed in 2003, an average of more than 900 protection order applications were received nationwide every year from 2006 to 2008. Reporting States did not discuss the challenges that women migrant workers, including domestic workers or undocumented workers, may face when seeking legal protection against discrimination and violence.

C. Policies

27. Some States (Italy, Poland and Singapore) reported that their policies on migrant integration and labour protection for all workers promoted human rights and inclusive sustainable growth. In Argentina, migration policies also cover women migrant workers. Colombia and Ukraine said that they mainstreamed protection of migrant and refugee women in policies and plans on gender equality and refugees, while other States (Belgium, Cyprus, the Dominican Republic, Greece, Guatemala, Ireland, Italy, Japan and Lebanon) reported measures to protect and assist migrant women in national action plans and strategies on domestic and sexual violence and human trafficking. Italy and Poland reported policies, plans or measures to protect undocumented migrants, asylum seekers and ethnic minorities from violence. Some States (Italy, Namibia and Poland) highlighted broader national policies and plans on violence against women or on women, peace and security that were intended to offer protection to women migrant workers, although they did not specifically identify women migrant workers as a vulnerable group.

28. Ireland and Italy reported on institutional mechanisms and operational procedures established to implement policies to tackle violence and discrimination against women, including women migrant workers, such as systematic consultation with civil society in developing national policy on violence against women. Ireland has institutionalized representation of migrant women's groups in violence-related policy development and implementation. Italy highlighted its allocation of financial resources to implement migration and trafficking policies. Very little information was provided on the impacts of those policies and strategies and continuing challenges in implementation, however.

D. Data collection and research

29. Data are crucial for designing and implementing strong policies and programmes tackling violence and discrimination against women migrant workers. The scant information received on the scope and availability of data on violence against women migrant workers continues to be a concern. States drew attention to national efforts to collect sex-disaggregated data on migrants and refugees in general (Argentina, Poland and Ukraine); data on violence against women in general, including domestic and sexual violence, sexual harassment and trafficking (Brazil, Ireland, Italy, Namibia and Poland); and data on foreign migrant women, including trafficked women and survivors of violence, gathered to improve their access to justice (Brazil). Poland reported existing data-collection efforts on hate crimes such as racism, anti-semitism and xenophobia. Poland also referred to efforts to collect data on employment discrimination, sexual harassment and workplace bullying disaggregated by sex, ethnicity, nationality and religion, in addition to data on related damages, arising from rulings in cases before district and regional courts.

30. Some States reported on institutional mechanisms at the national or local level responsible for the collection, compilation, analysis and dissemination of sex-disaggregated data on gender equality issues in general (Singapore) or on employment in particular (Poland). For example, the statistical database of the Ministry of Justice of Poland keeps records of damages awarded by district and regional courts in cases of violations of equal treatment legislation governing women and men in employment.

31. Efforts to enhance research and analysis regarding concerns relating to women migrant workers and violence against women, including migrant women, continued. Brazil reported that it had launched a regional diagnosis on trafficking in women for sexual exploitation and Belgium that it had undertaken studies on honour killings and physical, sexual and psychological violence against women and men. Italy said that it collected good practices in the implementation of trafficking initiatives in order to inform the revision of national procedures for preventing trafficking and protecting trafficked persons. No contributing State reported on studies dealing specifically with access to justice by women migrant workers.

E. Preventive measures, training and capacity-building

32. Prevention strategies are central to tackling violence against women migrant workers and its root causes, including poverty and gender-based discrimination. Italy noted that its development cooperation efforts encompassed issues such as poverty reduction, gender equality and women's empowerment, including in conflict contexts and the achievement of the Millennium Development Goals, in order to prevent violence and discrimination against women and human trafficking.

33. Several States reported preventive measures to eliminate violence against women (Greece, Italy, Japan, Poland and Singapore) and human trafficking in general (Japan and Singapore), while others also included a focus on women migrant workers (Greece, Ireland, Italy and Singapore). Preventive measures included public and targeted awareness-raising (including for migrant communities), information dissemination and education through seminars, human rights education and training, guidebooks, advisories, television and radio spots, videos, web postings, posters and flyers. Such measures may be carried out in partnership with civil society groups, as noted by Ireland and Singapore. Information, awareness-raising and education campaigns may also be national in scope and targeted at the public at large, as noted by Japan, which uses Human Rights Week to promote women's rights and the 16 Days of Activism against Gender Violence (25 November to 10 December) to focus on eliminating violence against women.

34. Easily accessible information on rights, immigration procedures, labour laws and services can reduce the risk of abuse and exploitation and support access to protection and services such as legal assistance for women migrant workers. To this end, States reported that they provided a variety of information in multiple languages to women migrant workers in their countries of origin and destination. For example, Singapore sends in-principle approval letters to migrant workers before they enter the country so as to highlight work permit conditions. Singapore also deploys multiple platforms and means to educate migrant workers about their employment rights and avenues for assistance. In countries of origin, the offices of the Belgian Development Agency offer information to women and children to raise their awareness of the risks of migration. The Ministry of Labour, Employment and Social Security of Argentina, through its department on domestic work, informs domestic workers and their employers about their rights and obligations.

35. Some States target capacity-building at employers and employment agencies to prevent discrimination and violence against women migrant workers. In Singapore, the Ministry of Manpower sends out regular circulars to employers, reminding them of their obligations under legislation ensuring the well-being of the migrant women

workers whom they hire. Pre-employment courses and guidebooks are also provided to employers of migrants. Ireland delivers information and capacity-enhancing sessions on equality legislation to employers, industry groups and stakeholders in the commercial mushroom sector, which has led to a review of employment policies and enhanced protection for women migrant workers on mushroom farms.

36. Some States have conducted training programmes for government officials, the police, the judiciary, medical staff and other service providers to ensure gender-sensitive policy implementation, service provision and assistance, including access to justice, in the context of violence against women, human trafficking and protection of migrant workers. Belgium, for example, has conducted training to raise the awareness of prosecutors, police and medical personnel about domestic violence. Italy has undertaken awareness-raising campaigns and delivered human rights courses and training for judicial system personnel so as to prevent and eliminate violence against and stalking of women. Greece has established a gender-sensitive counselling methodology for interaction of lawyers, social workers and psychologists with abused women.

F. Protection and assistance

37. Migrant women who are survivors of violence need various services to help them to recover from their abusive experience and to ensure that violence is not repeated. Several States (Argentina, Brazil, Cyprus, Denmark, the Dominican Republic, Greece, Italy, Lebanon, Poland and Ukraine) reported that they had put in place services and mechanisms to protect that group of women, including information services available to survivors of violence. Such services took the form of multilingual telephone hotlines and e-mail addresses and provided information on shelters, dormitories, legal aid, health services, compensation and redress. Only Greece and Singapore reported on the impact of their preventive and protection measures, however. In Greece, new counselling centres received 10,176 hotline calls, of which 8 per cent concerned gender-based violence against migrant women, in a two-year period. In Singapore, information-dissemination programmes through 16 roadshows reached some 30,000 foreign workers in 2012.

38. Preventive measures include anti-violence or counselling centres and vocational training. Ukraine has created a reception centre and residence for single mothers, single women refugees who are pregnant and persons in need of extra protection and is advising them on medical and legal assistance. Greece has established 14 new counselling centres, 11 of which are operational.

39. Initiatives to improve the quality of services and strengthen the capacity of government officials, security and justice personnel, medical staff, counsellors and other service providers to ensure gender-sensitive prevention, protection and assistance, including access to justice for women, including migrant workers, have been developed in Belgium, Greece, Italy, Poland and Singapore. They consist of, among others, human rights training and awareness-raising with regard to domestic violence, gender-sensitive law enforcement and service provision for women victims of abuse; gender-sensitive counselling methodologies for lawyers, social workers and psychologists dealing with women victims of abuse; and standard operating procedures for counselling and legal aid centres, including codes of ethics for processing personal data. Updated technology has been used to document and regularize migrants.

40. Institutional mechanisms in some States deal with abuse of labour rights and improve access to justice, including for migrant domestic workers. Some countries, including Argentina, Cyprus, Greece and Singapore, have in place mechanisms to provide information and advice to migrant workers on their rights, including conciliation services for those who face employment-related disputes. Argentina highlighted its system of labour inspection and social security, which monitors compliance with labour and social security standards, sanctioning employers for discrimination, including on grounds of sex, nationality or social origin. Cyprus and Singapore reported on mechanisms to receive complaints and resolve disputes. Singapore has safeguards against employers attempting to repatriate their workers before settling outstanding claims and provisions whereby domestic workers whose cases have been closed can remain in the country and secure new employment.

41. Brazil, Poland and Singapore reported specific provisions to enhance access to justice for survivors of trafficking, including treatment of a trafficked person as a victim and survivor of abuse and not as an offender; investigations to identify and prosecute traffickers; and engagement with foreign embassies and non-governmental organizations to encourage trafficked victims to come forward without risk of prosecution.

G. Bilateral, regional, international and other cooperation

42. Bilateral and multilateral cooperation is critical to preventing and tackling violence and discrimination against women migrant workers. In Brazil, Denmark, the Dominican Republic, Guatemala, Italy, Lebanon and Peru, bilateral and multilateral partnerships aim at providing women migrants, including women migrant workers and trafficked women, with information, protection and assistance. For example, Brazil has bilateral agreements with Argentina, Paraguay and the Bolivarian Republic of Venezuela to protect and assist women migrants. Denmark and Lebanon work with foreign and international institutions to exchange information on human trafficking and to provide assistance and protection to victims.

43. Several States referred to cooperation within the framework of regional mechanisms such as ASEAN, the Southern Common Market (MERCOSUR) or the European Union. Brazil referred to its participation in the Meeting of Women Ministers and High-level Authorities on Women's Affairs of MERCOSUR, an intergovernmental dialogue mechanism for senior-level representatives of institutions working on gender issues.

IV. Global legal and policy development and intergovernmental meetings

44. Legal, policy and normative development continued through conventions, resolutions and recommendations adopted by United Nations intergovernmental and expert bodies. At its fifty-seventh session, the Commission on the Status of Women adopted agreed conclusions on the elimination and prevention of all forms of violence against women and girls (E/2013/27, chap. I.A), in which women migrants, including women migrant workers, were identified as requiring targeted attention. To prevent violence against them, Governments and other stakeholders were urged to further adopt and implement measures to ensure the social and legal inclusion and

protection of women migrants, including women migrant workers in origin, transit and destination countries, and promote and protect the full realization of their human rights, and their protection against violence and exploitation; implement gender-sensitive policies and programmes for women migrant workers and provide safe and legal channels that recognized their skills and education, provided fair labour conditions, and as appropriate facilitated their productive employment and decent work as well as integration into the labour force.

45. Since the finalization of the previous report, the Human Rights Council has adopted several resolutions that also deal with violence against women migrant workers, migrant children and their access to justice. In resolution 20/3 on the human rights of migrants (see A/67/53 and Corr.1, chap. II), the Council reaffirmed that all migrants were entitled to equal protection by the law and that all persons, regardless of their migratory status, were equal before the courts and tribunals and were entitled to a fair and public hearing by a competent, independent and impartial tribunal. In resolution 20/12 on accelerating efforts to eliminate all forms of violence against women (see ibid.), the Council urged States to encourage the removal of all barriers to women's access to justice and to ensure access to effective legal assistance for all female victims of violence so that they could make informed decisions; to ensure that remedies were accessible, acceptable, age- and gender-sensitive and adequately addressed victims' needs; to eliminate gender bias from the administration of justice; and to enhance the capacity of law enforcement officials to deal appropriately with violence against women. The Council also stressed the need to pay particular attention to marginalized groups of women and girls and the importance for States to ensure that remedies took into account the differential impact of violence on women due to multiple, intersecting and aggravated forms of discrimination. In resolution 18/21 on the human rights of migrants (see A/66/53/Add.1 and Corr.1, chap. II), the Council expressed concern that female migrant workers engaged in domestic services were among the most vulnerable groups of migrant workers, some of whom were subject to abuse and exposure to health and safety threats without adequate information on associated risks and precautions. It reaffirmed that all migrant workers were entitled to equal protection by the law, regardless of their migratory status, and that the State in which a migrant worker was employed had the obligation to ensure the respect of that worker's labour-related human rights, regardless of immigration status.

46. The human rights treaty bodies established under the international human rights treaties continued to take up the situation of violence against women, including migrant women, and their limited access to justice.

47. During a day of general discussions on migrant workers in an irregular situation and members of their families, held during its fifteenth session (12-23 September 2011), the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families highlighted that, in some States members of the European Union, migrant women victims of violence in an irregular situation risked expulsion when reporting to the police. It consequently urged States to ratify the International Convention on the Rights of All Migrant Workers and Members of Their Families and the related ILO conventions, remove administrative barriers preventing migrants in an irregular situation from gaining access to basic services, refrain from criminalizing individuals or organizations assisting them and consider regularizing irregular migrants (see A/67/48 and Corr.1, annex V, para. 14).

48. In 2012, the Committee against Torture adopted general comment No. 3, on the implementation of article 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by States parties. Article 14 requires each State party to ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. The Committee elaborated on the principle of non-discrimination and on implications for States parties with regard to women. Reiterating that being female intersected with other identifying characteristics or status of the person such as nationality and immigrant status (as stated in general comment No. 2 (2008)), the Committee stressed that States must ensure that access to justice and to mechanisms for seeking and obtaining redress were equally accessible to all persons regardless of factors such as national or social origin, gender or economic status, including those marginalized or made vulnerable on bases of such factors (CAT/C/GC/3, paras. 32 and 39).

49. In the same general comment, the Committee also emphasized that judicial and non-judicial proceedings should apply gender-sensitive procedures which avoided revictimization and stigmatization of victims of torture or ill-treatment. It considered that complaints mechanisms and investigations required specific positive gender-related measures to ensure that victims of abuses such as sexual violence, abuse and trafficking were able to come forward and seek and obtain redress (ibid., para. 33). The Committee urged States parties to develop coordinated mechanisms to enable victims to execute judgements across State lines, including recognizing the validity of court orders from other States parties and assisting in locating the assets of perpetrators (ibid., para. 38).

50. Special rapporteurs of the Human Rights Council voiced concern at restrictive immigration and labour policies in relation to undocumented migration and migrant trafficking and highlighted the vulnerability of all undocumented migrants, including victims of trafficking, and their limited access to justice. The Special Rapporteur on the human rights of migrants drew attention to the increasing criminalization of irregular migration and abuse of migrants at all stages of migration. He found that, in many countries, criminalization was linked to persistent anti-migrant sentiments, often reflected in policies and institutional frameworks designed to manage migratory flows, often in a purely restrictive manner (see A/HRC/17/33, para. 12). Subsequently, the next holder of the mandate stressed that victims of trafficking should be recognized as victims and not be held responsible for the acts of their traffickers, noting that the fear of being detained, often seen as a prelude to being returned to their country of origin and finding themselves again at the mercy of their traffickers, might prevent victims of trafficking from seeking protection, assistance and justice (see A/HRC/20/24, para. 42).

51. The Special Rapporteur on trafficking in persons, especially women and children, maintained that national immigration laws could also contribute to preventing migrant workers from being trafficked into supply chains. Referring to the report of the United Nations High Commissioner for Human Rights to the Economic and Social Council (E/2002/68/Add.1), she pointed out that increasing opportunities for legal, gainful and non-exploitative labour migration was a measure that States might take to prevent trafficking in persons (see A/67/261, para. 19).

52. The Global Forum on Migration and Development increasingly deals with gender equality and women's rights issues relating to migration, especially in respect of domestic workers. In 2011, the Forum, with Switzerland as its Chair, held two meetings on domestic workers at the interface of migration and development, in partnership with the Governments of Ghana and Jamaica, and with the support of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), IOM and other partners. In 2012, the Forum, with Mauritius as its Chair, organized a round table at its summit meeting in Mauritius on protecting migrant domestic workers. It was co-chaired by Turkey and the Philippines and supported by UN-Women, ILO, the International Federation of Red Cross and Red Crescent Societies and other partners. Key results of the meetings included an agreed checklist (launched in 2012) based on human rights standards as a tool for Governments to develop gender-sensitive legal and social protections for domestic workers; the launch of a Caribbean-wide civil society network supported by UN-Women and ILO to work with Governments in implementing legal and social protection for domestic workers; and encouragement to Governments to ratify and implement the ILO Domestic Workers Convention, 2011 (No. 189).

V. Initiatives of United Nations entities and the International Organization for Migration in support of national efforts

A. Research and data collection

53. United Nations and related entities support the increased availability of data on migrant women and children, including on violence against them, for example through the establishment of observatories and data-collection processes. As a result of UN-Women advocacy, the 2011 National Population and Housing Census in Nepal contained sex-disaggregated data on out-migration at the district level. In Thailand, the United Nations Children's Fund developed and implemented a pilot child protection, monitoring and response system to identify children and families in need of social services. Data disaggregated by nationality, migration status, education level and child labour factors are being collected. The Office of the United Nations High Commissioner for Refugees (UNHCR) supported Colombia, Ethiopia, Kenya and Uganda to implement a gender-based violence information management system that enables humanitarian actors to respond to sexual and gender-based violence, including by providing legal assistance. IOM established an observatory to improve sex-disaggregated and age-disaggregated data collection, analysis and dissemination in 11 countries and assists States in the development of gender-sensitive migration and labour policies.

54. Entities have undertaken action-oriented research on violence against women migrant workers and trafficked women migrants. IOM analysis of the investigation and prosecution of archived cases of trafficking, forced labour, pimping, irregular migration, illegal border crossing and illegal expatriation of children informed the development of a draft guide for investigators and prosecutors on rights-based standards of law enforcement on human trafficking, including victim protection.

B. Support for legislative and policy development

55. Entities of the United Nations system and IOM have collaborated with national authorities to ensure that laws and policies coherently address protection, assistance and prevention of violence against women migrant workers and trafficked women migrants. ILO is supporting a review of labour migration policies and collective bargaining processes in Jordan. In Nepal, UN-Women supported efforts to ensure that foreign employment policy recognizes and protects the rights of women migrant workers. In Mexico, UNHCR advocated reflecting the link between trafficking and asylum in the implementing regulations for the Migration Act published in September 2012. In Cambodia, with the support of UN-Women, migrant workers who survived violence participated in consultations informing the national action plan on violence against women. UN-Women supported a gender analysis of the policy and legislative frameworks on labour migration in Kazakhstan, Kyrgyzstan, the Russian Federation and Tajikistan. IOM is supporting a partnership between the Governments of India, the Philippines and the United Arab Emirates to develop policies that regulate the recruitment and deployment of women migrant workers. Under the Abu Dhabi Declaration of Asian Countries of Origin and Destination, this initiative will develop best practices in administering temporary contractual employment in the health and hospitality sectors. The United Nations Office on Drugs and Crime has developed model strategies and practical measures to assist States in developing and implementing policies and processes, including with regard to criminal justice, to better prevent and respond to violence against women, including migrant workers.

56. Transnational cooperation between countries of origin, transit and destination is central to ensuring that migration regimes are responsive to the human rights of women migrant workers and to optimizing the development benefits of migration. IOM supported Moldovan law enforcement agencies in holding bilateral discussions with Cyprus and Greece on cooperation in human trafficking cases. ILO, UN-Women and IOM supported the development of migration policies to protect the rights of women domestic workers migrating from Ethiopia and Somalia to Lebanon and the Sudan. In Cambodia, Indonesia, the Lao People's Democratic Republic, Myanmar, the Philippines, Thailand and Viet Nam, ILO supports legal and safe migration and improved labour protection through bilateral and regional approaches that are aligned with the ASEAN Labour Ministers' Work Programme, 2010-2015.

C. Advocacy, awareness-raising and capacity-building

57. Entities of the United Nations system and IOM supported advocacy, awareness-raising and capacity-building efforts to prevent violence against women migrant workers. They include provision of support to national partners to enhance access by women migrant workers to better employment and services (IOM and ILO). Entities have disseminated information on and raised awareness of the use of legal migration channels and human and labour rights protection for women migrant workers, including domestic workers, through media networks, community alert groups and joint programmes (UN-Women, ILO and IOM). UN-Women reached out to parliamentary forums to support revisions to Cambodian labour legislation to cover domestic workers. Entities have developed a strategy for the Arab region to advocate the ratification and implementation of the ILO Domestic Workers Convention, 2011 (No. 189).

58. United Nations entities and IOM supported capacity-building efforts by national authorities to protect women migrant workers and trafficked, smuggled or asylum-seeking women migrants and ensure their access to justice. This support resulted in the development of handbooks on safe migration for local government officials in Nepal and the implementation of training to enhance the quality of investigations, prosecutions and convictions with regard to human trafficking and migrant smuggling and to ensure protection for victims (IOM, UNODC and UN-Women).

59. United Nations entities supported national efforts to increase the protection of women migrant workers, including survivors of violence, and increase their access to justice. UNHCR helped with the establishment of mobile courts for asylum seekers and refugees in Djibouti, while UN-Women supported the establishment of a legal complaints and redress mechanism for undocumented migrants, including many women, in Nepal, in addition to telephone hotlines to receive complaints in Bangladesh. UN-Women also supported paralegal training for organizations that support returnee women migrant workers in Nepal and that deal with cases of labour rights violations and violence against women.

VI. Conclusions and recommendations

60. **The present report shows that States have taken national, regional and global action to tackle violence and discrimination against women migrant workers. The number of States parties to relevant international instruments, including the ILO Domestic Workers Convention, 2011 (No. 189), has increased. Member States have ratified, signed or are part of negotiations on regional instruments dealing with discrimination and violence against women, including women migrant workers.**

61. **The present report also shows that States, sometimes with the support of the entities of the United Nations system and IOM, have continued to strengthen policies, laws, national action plans and strategies that contribute to preventing violence and discrimination against women migrant workers. Examples of promising actions in this regard include incorporating documented and undocumented women migrant workers, asylum seekers and refugees into policies and programmes; developing training on gender issues, including on sexual and gender-based violence, for justice chain actors; and putting in place provisions that deal with domestic violence against women migrants or extending labour laws to cover domestic workers. Bilateral and multilateral partnerships have also been forged, providing a strong basis for tackling discrimination and violence against women migrant workers.**

62. **Key gaps persist, however, in implementing global normative and policy frameworks to protect women migrant workers from discrimination and violence. While they may benefit from existing general legal and policy frameworks governing migration, gender equality, violence against women and labour issues, there continues to be a lack of targeted measures to specifically tackle discrimination and violence against women migrant workers, taking their specific situation into account. Gaps persist in systematic, regular, nationwide collection and dissemination of disaggregated data, including sex-disaggregated data, on migrant workers in general and women migrant**

workers in particular and in research and analysis to inform policies and programmes. Where laws, policies and other measures have been implemented, there is little reporting on their impact, results and challenges with regard to women migrant workers. Information on access to justice by women migrant workers, including on existing challenges and efforts to improve access and the results achieved, is especially lacking, the emphasis placed on this issue by the General Assembly in its most recent resolution on the topic notwithstanding.

63. **Against this backdrop, States are encouraged to implement the recommendations set out below in order to tackle discrimination and violence against women migrant workers and enhance their access to justice.**

64. **States should continue to ratify and implement international instruments, with a special focus on the ratification and implementation of the Domestic Workers Convention, 2011 (No. 189), and the Recommendation related thereto.**

65. **States should ensure that legislative provisions and judicial processes are in place to guarantee women's access to justice. Specific legal frameworks should be developed to explicitly meet the needs and rights of women migrant workers and steps taken to reform existing legislation and policies to capture the needs and rights of women migrant workers.**

66. **States should ensure that national laws protect women migrant workers, including domestic workers. Labour laws should include robust monitoring, complaints and dispute resolution mechanisms in line with relevant ILO conventions and United Nations instruments, so as to ensure the compliance of States parties with their international obligations. Immigration laws should incorporate gender perspectives so as to prevent discrimination against women, in particular with regard to independent migration, specific restrictions and bans, and should permit migrant women victims of violence to apply for residence permits independently of abusive employers and spouses. Sponsorships systems that tie women migrant workers to particular employers should be eliminated.**

67. **States should enhance collection and dissemination of disaggregated data, research and analysis on migration and violence against and violations of migrant women's rights at all stages of the migration process, their access to protection and assistance, including their access to justice, as well as migrant women workers' contribution to development.**

68. **States should ensure coherence between migration, labour and anti-trafficking policies, programmes and institutional mechanisms that are gender sensitive and protect the human rights of all women migrant workers.**

69. **States should continue education, awareness-raising and other violence prevention efforts directed at migrant women, recruiting and employment agencies, employers, the media, public officials and the population in general in origin and destination countries and ensure that they are appropriately tailored to the target groups.**

70. **States should strengthen support systems for victims of violence that are linguistically and culturally appropriate and ensure their access to them in accordance with human rights standards, regardless of their immigration status. Such support should include provision of information on the rights of**

women migrant workers, hotlines, accessible monitoring, complaints and dispute resolution mechanisms, legal aid and assistance, psychological, health and social services, access to shelters and compensation for damages.

71. **States should continue to conclude and implement bilateral and multilateral arrangements to ensure the protection of the rights of all women migrant workers and facilitate effective law enforcement and prosecution, prevention, capacity-building, victim protection and support, exchange of information and good practices that combat violence and discrimination against women migrant workers.**

72. **The United Nations system and related entities should continue and step up their efforts and strengthen partnerships with all stakeholders, including civil society organizations that support women migrant workers. They should coordinate their work in support of effective implementation of international and regional obligations and normative standards, enhance their impact and strengthen positive outcomes for women migrant workers.**